In the Court - Fullah Mukhapore
October 1826 - Abercrombie Dr
J. L. M.

AN

ABSTRACT

OF THE

REGULATIONS

ENACTED FOR THE

ASSESSMENT AND REALIZATION

OF THE

LAND REVENUES

IN

BENGAL, BEHAR, AND ORISSA,

FROM THE YEAR 1793 TO 1824, INCLUSIVE.

WITH AN INDEX AND NOTES OF REFERENCE TO ANY ENACTMENTS BY WHICH PROVISIONS OF REGULATIONS IN FORCE MAY HAVE BEEN MODIFIED OR ALTERED.

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LAND REVENUE.

VOL. III.

THIS volume contains an Abstract of the Regulations of Government, which relate to the assessment and realization of the land revenue, the rents of individuals, and the rights and privileges of all classes of the agricultural community in the provinces of Bengal, Behar, and Orissa, including the district of Cuttack, commencing from the year 1793, and ending with the year 1824.

Those Regulations also are included, the operation of which is declared to extend throughout the provinces, dependent on the presidency of Fort William. But such enactments as have reference exclusively to the province of Benares, or to the ceded or conquered territories, are not inserted.

The parts of sections which are in italics, indicate the matter to which the marginal note refers; otherwise the note applies to the whole section. The letters D or F subjoined to any marginal reference, denotes the volume (Dewanny or Fouzdarry) in which the Regulation referred to is contained. Regulations, or entire sections of Regulations, which have been rescinded or superseded, are omitted.

The Regulations passed for raising a public revenue by the manufacture and sale of salt, opium, and spirits; the duties payable on stampt paper, and the government customs and town duties; as well as the Regulations enacted in the commercial department for the provision of the Company's investment, are contained in a separate and fourth volume.

CONTENTS OF
VOL. III.

Regulations marked have been Rescinded; or being only of temporary operation, have been omitted in the Abstract.

1793	I.	For enacting into a Regulation, articles of proclamation.
"	II.	For abolishing the courts of Maal Adaulut, and transferring the trial of suits cognizable in those courts, to the Dewanny Adaulut; and prescribing rules for the conduct of the board of revenue and collectors.
"	VIII.	Re-enacting the rules for the decennial settlement of the revenue assessed in lands, in the provinces of Bengal, Behar, and Orissa.
"	X.	Re-enacting the rules for the establishment and guidance of the court of wards, relative to disqualified land-holders and their estates.
"	XI.	For removing certain restrictions in the operation of the Hindoo and Mahomedan law, with regard to the inheritance of landed property.
"	XIV.	For the recovery of arrears of public revenue due from land-holders or farmers of land.
"	XVII.	Re-enacting the regulations passed for empowering land-holders and farmers of land to distrain and sell the personal property of under-farmers, or tenants, or their sureties, for arrears of rent; and for preventing land-holders or farmers of land from confining, or inflicting corporal punishment upon their under-tenants to inforce payment of rent.

For

1793	XI	For trying the validity of the titles of persons holding, or claiming a right to hold lands exempted from the payment of revenue to government; under grants not Badshahee, and for fixing the amount of assessment in lands adjudged liable to the payment of revenue.
„	XXI.	For establishing in each Zillah an office for keeping the records in the native languages, which relate to the public revenue, and prescribing rules for the conduct of the record-keepers.
„	XXIV.	For determining the continuance or discontinuance of pensions, heretofore paid by proprietors and farmers of land, but included in the Jumma at the decennial settlement—and also the pensions paid from the Sayer abolished.
„	*XXV.	Rescinded by Regulation XIX, 1814.
„	XXVI.	For extending the term of minority of Mahomedan and Hindoo proprietors of land to the 18th year.
„	XXVII.	For the resumption and abolition of the Sayer duties, and for adjusting and paying the compensations to be granted in lieu thereof.
„	XXXIII.	For repairing the public embankments, and for encouraging the digging of tanks, water-courses, and reservoirs, and constructing embankments.
„	XXXVII.	For trying the validity of claims to hold lands rent-free under Badshahee, or royal grants, and for fixing the amount of public revenue on lands adjudged liable to assessment, or the grants of which may expire.
„	XXXVIII.	Prohibiting covenanted civil servants of the Company from lending money to native land-holders or others; and re-enacting the rules for prohibiting Europeans holding lands.
„	XLIV.	Limiting the grant of leases to the period of ten years, and for declaring null and void (with exceptions,) subsisting engagements

1793		engagements between defaulting proprietors of lands, sold for arrears of revenue, and under-tenants, on account of lands so sold.
„	XLV.	For the sale of lands, pursuant to decrees of the courts of justice.
„	XLIVII.	For forming a quinquennial register of estates or lands paying revenue to government in Bengal, Behar, and Orissa.
„	L.	Empowering the court of wards to exempt female proprietors of estates from the operation of Regulation X, 1793.
1794	III.	For exempting proprietors of land (with exceptions,) for being confined for arrears of public revenue, for presenting the process by which Tehsuldars are to demand payment of arrears. For enabling collectors to recover from native officers, public money or papers they may embezzle or retain, and for expediting the trial of causes relating to the public revenue or rents of individuals.
„	IV.	For providing for cases in which Ryots may omit or refuse to take out Pottahs, as prescribed by Regulation VIII, 1793; and for determining any disputes between landlord and tenant regarding the rates of Pottahs.
1795	XXXV.	For better enabling individuals to recover arrears of rent due to them.
„	*LVI.	Superseded by Regulation II, 1804.
„	LVIII.	For granting to collectors a commission on the Jumma of land resumed; and for requiring the courts to transmit to the collector and board of revenue copies of certain decrees in suits respecting the right to land exempt from the payment of revenue, and for defining what decrees regarding Malgoozaree land, the Zillah and city courts are to furnish the board of revenue, under section 9, Regulation IV, 1793, and section 4, Regulation VIII, 1795.

1796	III.	For excluding from the jurisdiction of the court of wards certain descriptions of landed estates of disqualified proprietors, and for declaring the rules in sec. 5, Regulation XLIV, 1793, to extend to cancelling wholly the leases of under-farmers, a part only of the lands included on whose leases may be sold for arrears of revenue.
„	V.	For explaining certain parts of the existing regulations relative to the public sales of land in Bengal, Behar, and Orissa.
„	VII.	For repealing such parts of Regulations VIII. and X, 1793, as exclude proprietors of land from the management of their estates on grounds of contumacy or profligacy of character,
„	XII.	For encreasing the deposit on the purchase of lands at public sale, from 5 to 15 per cent.
1797	XV.	For levying certain fees to defray the expense of the offices for keeping the records in the native languages which relate to the public revenue. Established under Regulations XXI, 1793, and XXX, 1795.
1799	VII.	For enabling proprietors and farmers of land to realize their rents with greater punctuality—for providing against unnecessary delay in the payment of the public revenue assessed upon lands, and for securing the ultimate recovery of arrears of revenue, by a sale of landed property from which it may be due at the close of the year.
1800	I.	For the appointment of guardians to the persons of minor orphan Zemindars and others, proprietors of shares in joint undivided estates, not subject to the jurisdiction of the court of wards, when the parents shall not have left any guardian to their children by will.
„	VIII.	For preparing a general Pergunnah register of lands, and for certain alterations in the prescribed registers of estates paying

		paying revenue, and lands held exempt from the payment of revenue.
1800	X.	For preventing the division of landed estates in the jungle Mehals of the Zillah of Midnapore and other districts.
1801	I.	To explain and amend part of the rules for the collection of the public revenue contained in Regulations VII, 1799, and V, 1800. To expedite the sale of lands for arrears of revenue, and to limit the division of property by such sales. To explain and amend the rules contained in Regulation XXV, 1793, for the division of joint estates and allotment of the fixed assessment therein, and to fix a period for the operation of such parts of Regulation VIII, 1793, as authorize the separation of certain Talooks from the Zemindaries to which they were attached at the time of the decennial settlement.
1804	I.	For the better management of the invalid Jagheer establishments, and of the invalid pension establishment.
1805	XII.	For the settlement and collection of the public revenue in the Zillah of Cuttack, including the Pergunnah of Puttaspoor, Kunnardechau, and Bograee, at present included in the Zillah of Midnapoor.
„	XVII.	For modifying the rules contained in Regulation VIII, 1793, respecting the management of joint undivided estates.
1806	VI.	For the more effectual repair of embankments.
„	XXII.	For modifying the rules hitherto observed in the admission and payment of claims to pensions.
1807	*VI.	Rescinded by Regulation V, 1810, and Regulation XIX, 1814.
1808	*VI.	Superseded by Regulation IV, 1810.
„	XI.	For the adjustment of the rent, payable by the heirs of invalid Jugheerdars.
1810	*IV.	For abolishing the office of commissioner in Cuttack.

Rescinded

1810	*V.	Rescinded by Regulation XIX, 1814.
„	XIX.	For the due appropriation of the rents and produce of lands granted for the support of Mosques, Hindoo temples, colleges, and other purposes—For the maintenance and repair of bridges, Serais, Khutras, and other public buildings; and for the custody and disposal of Nuzzool property or escheats.
1811	VI.	For rescinding such parts of Regulation XXVII, 1793, as declare the holders of Lackherage and Mulguzaree lands entitled to compensation on account of the abolition of the Sayer.
„	*XI.	Re-enacted by Regulation XIX, 1814.
„	XIII.	For the more convenient and efficient discharge of the duties of the board of revenue.
1812	V.	For amending some of the rules at present in force, for the collection of the land revenue.
„	X.	For modifying the rules before enacted regarding the settlement of the conquered provinces, of the ceded territory, and of the district of Cuttack.
„	XVIII.	For explaining section 2, Regulation V, 1812, and rescinding sections 3 and 4, Regulation XLIV, 1793, and sections 3 and 4, Regulation L, 1795, and enacting other rules in lieu thereof.
1813	I.	For modifying the rules established respecting the settlement of Cuttack, the Pergunnah of Puttasporc, and its dependencies.
„	II.	For preventing native officers from making use of public money entrusted to their care.
„	IV.	For establishing a toll on boats passing through the Issamutty, Matabanga, and Choornee rivers, rescinded by Regulation VIII, 1824.

Rescinded

1813	* V.	Rescinded by Regulation II. 1819.
„	XI.	For modifying the rules in force, respecting the payment of pensions, and for preventing the abuses committed in the receipt of pensions.
„	XV.	For the general abolition of the office of dewan to the collectors.
1814	XII.	For securing to the invalid native officers, soldiers and others, the reduced pay or pension granted to them for their support on retiring from service.
„	* XVIII.	Rescinded by Regulation XI. 1822.
„	XIX.	For reducing into one regulation with alterations and additions, certain regulations respecting the partition of estates paying Revenue to Government.
„	XXI.	For preventing the Zillah, and city Judges and Collectors of the public revenue from employing their native creditors on their respective establishments.
„	XXIX.	For the settlement of certain Mehals in the district of Beerbhoom, usually denominated the ghautwattee Mehals.
1815	III.	For continuing the existing settlement in Cuttack, the Pergunnah of Puttaspoor, and its dependencies, until the expiration of the year 1223 Umlee.
1816	* I.	Rescinded by Regulation III, 1822.
„	II.	For re-establishing the office of Canoongoe in that portion of the province of Behar, which forms the districts of Shahabad, Tirhoot, Sarun, and Behar.
„	V.	For establishing the office of Canoongoe, in the district of Cuttack, the Pergunnah of Puttaspoor, and the several Pergunnahs dependant on it.
„	VI.	For extending for a further period of three years, the existing settlement of Cuttack, the Pergunnah of Puttaspoor and its dependencies, in all cases, in which the settlement may

1816		have been concluded with Zemindars, or actual proprietors of land.
„	IX.	For the appointment of a Commissioner of Revenue in the Sunderbunds.
1817	* I.	Rescinded by Regulation III, 1822.
„	II.	For establishing the office of Canoongoe, in those portions of the district of Ramgurh, Bhauglepoor and Purneah, which are comprized in the province of Behar.
„	* XI.	Rescinded by Regulation II, 1819.
	XII.	For securing the better administration of the office of Putwarry in the C. C. provinces—the province of Behar and Benares; the district of Cuttack, and the Pergunnah of Puttaspore and its dependencies.
„	XIII.	For establishing the office of Canoongoe in the district of Midnapoor, and in the Mehals subject to the authority of the Collector of Hidgellee; and for extending to the said district and Mehals the operation of Regulation XII, 1817.
„	* XXIII.	Rescinded by Regulation II. 1819.
„	XXIV.	For modifying the constitution of the commission established in the provinces of Behar, and Benares, and in the districts of Ramgurh, Bhauglepore, and Purneah; for extending the authority of the said commission to the districts of Dinagepore and Rungpore; and for better defining the powers to be exercised in certain cases by a single member of the Board of Revenue, or Commissioner vested with the authority of that board.
1818	I.	For establishing the office of Canoongoe in the districts of the 24 Purgunnahs, Nuddea, Jessore, Dacca, Jelalpore, and Backergunge; and for extending to the said districts the operation of Regulation XII, 1817.
„	V.	For the appointment of a Commissioner to be vested with special

1818		special powers in the administration of civil affairs in Zillah Cuttack.
„	X.	For ensuring the more punctual and regular collection of the public Revenues, from proprietors and farmers of land in the district of Cuttack, the Pergunnah of Puttaspoor, and the several Pergunnahs dependant on it.
„	XIII.	For extending for the further period of three years the existing settlement in Cuttack, the Pergunnah of Puttaspore and its dependencies—in all cases in which the settlement may have been concluded with Zemindars, or actual proprietors of land.
1819	I.	For replacing the districts of Dinagepore and Rungpore, under the management of the Board of Revenue. For extending the authority of the Board of Commissioners in Behar and Benares to the district of Goruckpore; for re-establishing Canoongoes, and reforming the office of Putwarry throughout the province of Bengal, and for explaining and modifying certain parts of Regulation XII, 1817.
„	II.	For modifying the provisions contained in the existing regulations, regarding the resumption of the revenue of lands, held free of assessment under illegal or invalid tenures, and for defining the right of government to the revenue of lands not included within the limits of estates, for which a settlement has been made.
„	VIII.	To declare the validity of certain tenures; and to define the relative rights of Zemindars and Putnee Talookdars; also to establish a process for the sale of such Talooks, in satisfaction of the Zemindar's demand of rent; and to explain and modify other parts of the system established for the collection of rents, generally throughout Bengal.
1820	I.	For providing that all sales of certain Talooks, made answerable by

1820		by sale for arrears of the Zemindars Rent, shall be conducted in the mode prescribed by Regulation VIII. 1819.
1821	IV.	For empowering a Collector of Land Revenue, to exercise in certain cases, the powers of Magistrate or joint Magistrate; and for authorizing in certain cases the latter officers to exercise Revenue functions.
1822	III.	For modifying the constitution and altering the jurisdiction of the several Boards vested with the superintendance of the land revenues in the territories dependant on Fort William.
"	VI.	To establish a Court of Wards for Benares; and to define and explain certain of the rules regarding the powers and jurisdiction of the several Courts of Wards.
	VII.	For declaring the principles according to which the settlement of the Land Revenues in the ceded and conquered provinces, including Cuttack, Puttaspore, and its dependancies, is to be hereafter made; and the powers and duties belonging to Collectors or other officers employed in making, revising, or superintending the settlements. For continuing with certain exceptions the existing leases within the said provinces for the further term of five years. For defining, settling, and recording the rights and obligations of various classes of persons possessing an interest in the land, or in the rent or produce thereof; and for vesting the revenue authorities with judicial cognizance in certain cases of suits and claims relating to lands or the rent and produce of land.
"	XI.	For modifying and explaining the existing Regulations relative to the sale of land for recovery of arrears of revenue; for declaring government not to be liable for any errors or irregularities in the proceedings of the courts of justice; and

1822		and for making further provision for the conduct of the revenue officers in certain cases.
1823	VII.	Prohibiting loans by covenanted civil servants from persons subject to their official authority and influence.
1824	I.	For enabling the officers of Government to obtain at a fair valuation land or other immovable property required for roads, canals, or other public purposes, and for declaring the manner in which the claims of Zemindars, and the officers in the salt department are to be adjusted in certain districts where lands are required for the purposes of salt manufacture.
"	VIII.	For rescinding Regulation IV, 1813, and for determining the rates of tolls to be levied on boats, rafts, timbers, and the like passing through the Bhugaruttee, Jellinghy, Issamuttee, Matabanga, and Choornee rivers; and for providing for the better collection of the toll, and for the secure navigation of the aforesaid and other navigable rivers.
"	XII.	For revising the penalty formerly imposed on wilful revenue defaulters.
"	XIV.	For modifying the rules in force for referring to the collector's summary suits in cases of arrear of exaction of rent.

The following Sections of Regulations entered in the Fouzdarry Volume, have reference to the Revenue Department.

	Sec.	Regulation.	Years.
Collectors to attach lands of persons resisting criminal process,	2	XI.	1796
Summary process of arrest authorized by Regulation VII. 1799, for recovery of rents, modified in its application, ...	2	IX.	1801
Collectors of Cuttack and Midnapore to form registers of Packaun lands, ...	10	XIII.	1805
Collectors required to provide the necessary supplies for troops, ...	3	XI.	1806
Tehseeldars and Kazanchees prohibited from using public money entrusted to their charge, and the offence how punishable on conviction, ...	„	II.	1813
Boards of Revenue and Commissioners to submit special reports to Government of such convictions, ...	4	„	„
Process by police officers on resistance of distraint for rent,...	27	XX.	1817
Adjustment of accounts of collections from lands attached by special orders of Government, ...	11	III.	1818
Collectors to refrain from interference with the public ferries,	2	VI.	1819

The

The following Sections of Regulations entered in the Dewanny Volume, have reference to the Revenue Department.

	Sec	Regulation.	Years.
Collectors of revenue amenable to the Courts of Justice, ...	10	III.	1793
Judge may refer rent and revenue accounts to collectors for report, ...	13	VIII.	1794
What suits not referable to collectors, ...	"	"	"
Lands sold for arrears, while under contested claims in the Courts of Justice, rule respecting, ...	4	V.	1798
In what cases lands litigated to be attached by collectors, ...	6	"	"
Court of Wards, powers and jurisdiction of, not to be affected by Regulation V. 1799, ...	8	V.	1799
Native revenue officers, appointment, removal of, ...	"	V.	1804
Oath, form of, to be taken by collectors and before whom, ...	25	"	"
Arrest of defaulters, or institution of summary suits for arrears of revenue, or recovery of money or accounts, period for limited, and Section XV. Regulation VII. 1799, modified, ...	4	II.	1805
Appointment and removal of native revenue officers, rules regarding modified, ...	"	VIII.	1809
Head native revenue officers and record keeper how appointed, ...	"	X.	"
Collectors may administer oaths to witnesses in investigations into the conduct of native officers, ...	65	"	"
And may confine in the Zillah jail witnesses refusing to make oath, ...	"	"	"
Charges preferred against European revenue officers, enquiry into, ...	3	XVII.	1813
Security to be given by prosecutors, ...	4	"	"
Preliminary inquiry to be made, ...	5	"	"
Complaints preferred to the Courts against European revenue officers, for acts done in their official capacity, to be transmitted to the Board, and the latter authority how to proceed, ...	3	II.	1814

Collectors

	Sec.	Regulation.	Years.
Collectors not to employ native creditors, or their relations, or dependants on their establishments, ...	„	XXI.	1814
Munsiffs to sell distrained property, ...	55	XXIII.	„
Proprietors of estates, being in the military service of Government, duty of collector on notice thereof, ...	9	XV.	1816
Arrears from, how recovered, ...	„	„	„
Collectors authorized to grant bills on any other treasury, as a remittance by native officers, or soldiers, ...	11	„	„
Collectors to bring forward any claim of right of Government, to hidden treasure, or treasure trove, ...	5	V.	1817
Oaths of office by native officers, not required, but solemn declaration substituted, ...	3	XVIII.	„
Suits referable to the collector by the judge for adjustment and report, ...	13	XIX.	„
Arrest of defaulters, ...	15	„	„

ABSTRACT,

&c. &c.

1793	Sections	Regulation. I.
Articles of Proclamation enacted into a Regulation.	2d.	Decennial settlement declared conditionally permanent by the original Regulations.
	3d.	Notification that the Governor General in Council is empowered to declare the Jumma that has been, or may be, assessed on lands of Zemindars fixed for ever.
	4th.	Jumma assessed on lands of actual proprietors with whom a settlement has been concluded, is accordingly declared fixed in perpetuity.
	5th.	Jumma which may be hereafter agreed to by proprietors whose lands are held khas or let in farm, declared fixed for ever.
	6th.	Jumma at which lands belonging to Government may be transferred to individuals declared fixed for ever.
	7th.	The public demand being fixed and declared unalterable, proprietors expected to improve their estates, in consequence of the profits being secured to them—conduct which the Governor General in Council expects will be observed by Zemindars towards their under-tenants—no claims to remissions or suspensions to be admitted—but lands to be sold in liquidation of any arrears of revenue.

The

1793 | SECTIONS | REGULATION I.

8th.

The following declaration made to prevent misconstruction of the foregoing articles.

POWER RESERVED BY GOVT.

C. 1st.

See Section 5? Regulation VIII, 1793, and Regulation VIII, 1819.

Government reserve the power of enacting such Regulations as it may deem necessary for the *protection and welfare of dependent Talookdars* and cultivators, and no objection to be made on that account to the punctual discharge of public revenue.

INTERNAL DUTIES.

C. 2d.

All internal duties that may be hereafter established, to belong exclusively to Government, and no claims hereafter to be admitted on account of sayer collections abolished.

C. 3d.

Jumma that may be assessed on lands illegally alienated, to belong exclusively to Government.

POLICE ALLOWANCES.

C. 4th.

Police allowances, on land or money, received by proprietors (whose Jumma has been fixed exclusive of such allowances) resumable by Government, the land-holders having been exonerated from the charge of maintaining police establishments, but allowances, or the produce of land resumed, not to be added to the Jumma, but collected separately, and applied solely to purposes of police.

Estates

PRIVATE SALE OR TRANSFER OF LANDS.

C. 5th. Estates of disqualified proprietors not liable to sale for arrears of revenue, accruing whilst they are deprived of the management.

9th. See Section 6, Regulation II, 1793. Proprietors privileged to *transfer their lands by sale, gift, or otherwise*, without the sanction of Government, provided the transfer be not repugnant to the Hindoo or Mahomedan law, or to the Regulations of Government.

10th. See Section 14, Regulation I, 1801. But no *transfer or private sale to affect the prior right of Government*, or to exempt the entire estate from responsibility for any arrear, unless such transfer shall have been previously notified to the collector, *and the Jumma adjusted according to the rules prescribed following*, the lands registered, and separate engagements executed by the new proprietors. The transfer of dependant Talooks not to affect the rights or claims of Government in any respect.

See C. 2, Section 3, Regulation XVIII, 1812, and Regulation XI, 1811, re-enacted by Regulation XIX, 1814.

ALLOTMENT OF JUMMA.

C. 1st. See Section 8, Regulation I, 1801. Rule *for apportioning the Jumma* in case the entire landed possessions of Zemindar be sold in two or more lots.

C. 2d. Rule for allotment of Jumma, when a portion of the lands only of a Zemindar are to be sold.

C 3d. Rule for apportioning the Jumma in case of private sale or transfer.

Rule

Adjustment of Jumma on Lands.

C. 4th. Rule for the allotment of Jumma on portions of joint shares of an Estate, and the Jummas so fixed on the several portions to be permanent.

See Section 25, Regulation XIX, 1814.

11th. The following rules prescribed for adjusting the Jumma on land held Khas or let in farm, in the event of the whole or any part of them being disposed of by public sale, or private transfer, or divided amongst the proprietors.

C. 1st. Rules for the adjustment of the Jumma of Khas lands or lands farmed, belonging to recusant Zemindar, disposed of in one or more lots under a decree of court.

C. 2d In cases of private sale or transfer of Khas or farmed lands, what Malikana payable.

C. 3d. In case of division of lands held Khas or in farm, the joint property of two or more persons, the proprietors to stand in the predicament of recusant Zemindars.

Courts

1793 | SECTIONS | REGULATION II.

MAAL ADAWLUT ABOLISHED.

Section 2d —See Section 80, Regulation XIII, 1816, Sec. 13, Regulation VIII, 1799, Sec. 21, Regulation V, 1812, Sec. 2, Regulation IV, 1821, and Sec. 16, Regulation VII, 1822.

Courts of Maal Adawlut, *and judicial powers vested in collectors abolished* from the 1st of May, 1793, and the cognizance of causes tried therein, transferred to the Dewanny Adawlut.

RULES FOR THE GUIDANCE OF COLLECTORS.

3d. See Sections 25 and 26, Regulation V, 1804

The collection of the land revenue to be committed to a covenanted civil servant, who is to take *an oath* before entering upon his official duties.

4th. See Regulation I, 1816.

Collectors to correspond with and obey all orders from *the Board of Revenue.*

5th.

Seal of office to be used by the Collector.

6th.

Collectors to keep an attested diary of their official transactions.

7th.

To perform the duties specified following, under the superintendance of the Board of Revenue.

8th C. 1st.

To collect the public dues from land-holders with whom a settlement has been concluded.

C. 2d.

To collect the public revenues from estates let in farm.

C. 3d.

Also from lands held Khas.

C. 4th.

To make the future settlement of farmed or Khas lands.

To

SECTIONS	REGULATION II.
C. 5th.	To prosecute for the public dues from lands illegally held exempt from the payment of revenue.
C. 6th. See Regulation VI, 1811.	To pay the Zemindary pensions included in the public Jumma, and the *sayer pensions and compensation.*
C. 7th.	To execute the orders of the Court of Wards.
C. 8th.	To superintend the division of estates.
C. 9th.	To apportion the Jumma on lands disposed of at public sale.
C. 10th.	To collect the tax on spirituous liquors, or intoxicating drugs or articles.
C. 11th. See Regulation II, 1811.	To procure lands for native invalid soldiers who may accept *of a provision in land.*
See Reg. VI, 1797. C. 12th.	To collect the *tax* for defraying the expense of the Police.
C. 13th.	To perform the above and all other duties according to the Regulation.
C. 14th.	To furnish the Board with the regular annual or other periodical accounts.
C. 15th.	To conform to the special orders of the Board of Revenue, or other authorized public Officers.

The

1793 SECTIONS

REGULATION II.

DUTIES OF COLLECTORS.

9th. See Regulation XV, 1813.

The *Dewan* and native officers of the collector's establishment, to obey his orders; and are not to perform any official act without his sanction, under penalties of fine, dismissal, or prosecution.

10th. See Regulation XXI, 1814.

Collectors not to employ their *private servants* in public matters: this prohibition not to prevent them employing their assistants or public officers in the manner which may be authorized.

TREASURERS.

11th.

Native treasurers to be nominated by collectors—sufficient security to be taken to make good all deficiencies of public money. The names of the treasurer and of his surety, with a copy of their engagements, to be transmitted to the Board for approval, and shall not be removable except with the sanction of the Board on proof of misconduct or other sufficient cause. The collector and treasurer to be jointly and severally responsible to Government for the public money committed to their charge.

PUBLIC MONEY.

12th.

Form to be observed by the collector in issuing public money. The native treasurer to make no payment without a written authority from the collector: and all such warrants to be numbered and registered.

Appointment

Sections	Regulation II.
13th. See Section 3 Regulation V, 1804, and Regulation VIII, 1809.	Appointment and removal of native servants *vested in the collector.* None but public officers to be employed in matters relating to a collector's public duty; nor any public officer to be employed in any private trust relating to the personal concerns of the collector.
14th.	In the event of the death, removal, or absence of the collector, the senior assistant on the spot to perform the duties of his office.
15th. See Regulation XXXVIII, 1793.	Collectors and their native officers prohibited being concerned extra officially in the revenues in any capacity, or from purchasing directly or indirectly any lands at public sale in the Zillah.
16th.	Above rule not to preclude native officers or private servants of a collector from purchasing lands in the Zillah by private sale.
17th. See Section 46, and Sections 4, 5, and 6, Regulation XXXVIII, 1793.	Collectors not to give lands in *farm to Europeans,* or to accept their security for any farmer, dependant, Talookdar, or Ryot.
18th. See Regulation XV, 1813.	Collectors and their assistants, or *Dewan,* prohibited from trading. This prohibition, with regard to the two former, to extend to the purchase of goods for remitting money to Europe.

Superseded

1793	Sections	Regulation II.
Rules for the guidance of Collectors.	19th.	Superseded by Section 2d, Regulation XV, 1813.
	20th.	Collectors to keep complete, and preserve with care, their public records.
	21st.	Rules for rendering the several collectorships compact.
	22d.	Sepahies not to be employed in the collection of the Revenues.
	23d.	Collectors not to advance money on account of revenue, without the sanction of the Board.
	24th.	Nor to exercise any authority beyond the limits of their respective Zillahs, without general or special orders, or authority of a Regulation.
	25th.	Collectors to give receipts for all payments of revenue—receipts to be numbered and registered—similar register of receipts to be kept by all Tehseeldars, Uzawuls, and other officers entrusted with the collection of the public revenue, and copies to be transmitted to the collector.
	26th.	Monthly receipts for salaries, pensions, or allowances, to be deposited with the records, and registered; and a copy of the register to be transmitted annually to the Board.

Collectors

1793	Sections	Regulation II.
COLLECTORS.	27th.	Collectors resigning or removed, not to quit their station, until they have made over complete charge of their trust; and obtained the sanction of the Board to their departure.
	28th and 29th.	Rescinded by Regulation III, 1822.
DUTIES OF THE BOARD OF REVENUE.	30th.	The Board to see that officers under them duly perform their duties, and report to the Governor General in Council, any disobedience or inattention to the Regulations.
	31st C. 1st.	Board to enquire into any alleged misconduct of officers subject to its authority, and the following powers vested in the Board for control of such officers.
	C. 2d.	May summon to the Presidency, and suspend from office, reporting the case to the Governor General in Council.
	C. 3d.	May impose a fine, not exceeding the amount of one month's salary.
	C. 4th.	Such punishment not to preclude individuals aggrieved from suing the offender in the Court of Justice.

Deputations

32d. Deputations ordered by the Board to be immediately reported to Government, with the grounds on which they may have been ordered; and a time to be fixed, if practicable, for the performance of the duty; beyond which, without satisfactory cause of delay shewn, no deputation allowance to be granted.

33d. Board of Revenue may require the attendance of any land-holder, farmer, &c. or native employed under a Collector, for the adjustment or enquiry into any matter within their cognizance—such persons to be summoned through the collector by order of the Board—contents of the summons—persons neglecting to attend, liable to a daily fine, to be levied by the process prescribed for recovery of arrears of revenue. But the Board not to require personal attendance unless indispensably necessary.

34th and 35th. Rescinded by Regulation III, 1822.

36th. Board empowered to issue orders to their subordinate officers for forming the settlement of khas lands subject to any instructions from the Governor General in Council.

37th. Security for the payment of the revenue not to be demanded from proprietors, but to be required in all cases from farmers.

No

1793 | SECTIONS | REGULATION II.

Powers and duties of the Board of Revenue.

38th. No remissions of revenue to be granted without the sanction of the Governor General in Council,

39th. Settlements to be made by collectors but the Board may, if they deem necessary, propose to Government the *special deputation of one of its members* for that purpose.

See Regulation XIII, 1811, Regulation XXIV, 1817, and Regulation III, 1822.

40th. Upon a settlement being concluded, the Board to issue the usual Bundobusty Purwannahs, without reference to the Governor General in Council.

41st. The Board to see that the revenue is punctually realized by the collectors by the periods stipulated; or that any balances or delay in collection is satisfactorily explained.

42d. Board empowered to grant temporary suspensions of demand of revenue—but the period of suspended payment not to extend beyond the current year, and report to be made to the Governor General in Council.

43d. *Remissions* of balances not to be granted without the special sanction of the Governor General in Council.

See C. 7—Sec 23, Regulation VII, 1799.

The

1793 | SECTIONS | REGULATION II.

Powers and duties of the Board of Revenue.

44th. The Board may authorize the issue of tuccavee, not exceeding 5 per cent. on the Sudder Jumma of the lands, reporting always to Government—or if a larger sum be required the sanction of Government to be previously obtained—the interest taken on tuccavee advances, to be 1 per cent. per mensem.

45th. The Board to furnish the Governor General in Council with the periodical accounts required of them; and to observe all special orders they may receive from Government.

46th. The Board, individually and collectively, prohibited being concerned in trade or commerce, (extending to the purchase of goods, for the purpose of remittance) or in any house of agency; or in the management of any Bank; or in any transactions for borrowing money with any native revenue officer or person responsible for the collection or payment of public revenue; also prohibited without the previous sanction of Government, from giving land in farm to any European, or accepting the security of an European, for any landholder or farmer—or granting, or confirming any grant of Malgoozarree *or Lakheeraje land,* or *continuing the pension* of any deceased pensioner to his family; or making any new general rule whatever.

See Section 21, Regulation II, 1819. See Section 4, Regulation XXIV, 1793, and Sec. 7, Regulation XXII, 1806.

Board

1793	Sections	Regulation II.
Board of Revenue.	47th.	Board to transmit to the Governor General in Council written acknowledgements for places restored to foreign powers.
	48th.	To cause separate accounts to be kept of expenses incurred in reducing rebellious Zemindars or others, with a view to re-imbursement from the offenders.
	49th to 70th.	Rescinded by Regulation III, 1822.

Settlement

Re-enacting the Rules for the Decennial Settlement.

1793	Sections	Regulation VIII.
	2d.	Settlement to be formed in Bengal, Behar, and Orissa, for 10 years.
	3d.	To be permanent with the approbation of the Court of Directors.
	4th. See Regulation VII, 1822.	Settlement under certain restrictions, to be concluded with the actual proprietors of the soil, whether Zemindars, Talookdars, or Chowdries.
	5th. C. 1st.	The Talookdars, who are to be considered actual proprietors of their Talooks, are as follows:
	C. 2d.	Proprietors of Talooks obtained by public or private purchase, or by gift.
	C. 3d.	Or which Talooks existed before the succession of the family of the Zemindar to whom they now pay revenue.
	C. 4th.	Or which never formed a part of the Zemindarry.
	C. 5th.	And proprietors, who have succeeded by purchase, gift, or inheritance, to any Talooks of the nature above described.
	6th.	Talookdars to pay their revenue through the Zemindars, whose engagements so stipulate.

Talookdars

1793	Sections	Regulation VIII.
Rules regarding separation of Talooks.	7th.	Talookdars deriving their tenures from the Zemindars, to be considered lease-holders only; and not entitled to separation of their Talooks.
	8th.	Zungle Boory Talooks held under pottah, granted in consideration of clearing the land, not entitled to separation from the Zemindarry.
	9th.	Proprietors of Malgoozaree Aymah lands, subject to a fixed quit rent, entitled to a separation with the exception herein noticed.
	10th.	The following rules passed for the guidance of collectors, in carrying into effect the separation of Talooks.
	11th.	Collectors to examine the title deeds of Talookdars, to ascertain their right to separation, and how to proceed in the event of no title deeds being forthcoming.
	12th.	Talookdars adjudged, not to be proprietors of the soil, at liberty to sue the Zemindars for the right of property in their Talooks. And Zemindars dissatisfied with separation, may contest the right by a suit in Court, and either party may appeal from the decision of the Judge.

Order

1793 | SECTIONS | REGULATION VIII.

SEPARATION OF TALOOKS.

13th. Order for the separation of independant Talooks to be considered positive.

14th. Talooks separated to pay their revenue immediately into the treasury of the collector except in particular cases, in which Tehseeldars to be appointed to receive it.

15th. Proprietors from whose estates Talooks may be separated shall not be appointed Tehseeldars—persons of character and responsibility to be appointed, and the expense to be defrayed by Government.

RULES RESPECTING MOCURREREE TENURES.

16th. Rule regarding the re-settlement of lands held under certain Mocurruree leases, in the death of the lessees.

17th. Further rule respecting Mocurruree grants to the proprietors of the soil—this and the preceding rule being subject to the confirmation of the Court of Directors.

18th. What Mocurrureedars to be dispossessed, and the settlement made with the proprietors of the soil.

19th. Description of Istomrardars to be considered as Pottah Talookdars, and the settlement to be made with them.

Descriptions

1793 SECTIONS

REGULATION VIII.

DISQUALIFIED PROPRIETORS.

20th. See Regulation X, 1793, Regulation III, 1796, and Regulation VII, 1796.

Descriptions of disqualified proprietors excepted from the general orders for the conclusion of the settlement with the actual proprietors of the soil.

21st.

Lands of disqualified proprietors specified in the above section to be managed by persons appointed by Government.

22d.

No settlement to be made with defaulting proprietors; but their lands to be let in farm or held khas.

23d to 25th. See Section 5, Regulation I, 1800.

Rescinded by Regulation XVII, 1805.

SETTLEMENT OF JOINT UNDIVIDED ESTATES.

26th.

Determination of the majority of proprietors to be binding on the others in agreeing to the Jumma of undivided estates, but sharers, if dissatisfied, may obtain a division of their lands.

27th.

When an estate shall stand in the joint name of several proprietors, or of one for many, and each proprietor has possession of his own portion, a settlement to be made with each.

28th.

In case of mortgaged lands the settlement to be made with the party in possession, whether mortgagee or proprietor; but if the former, conditions to be declared.

If

1793 | SECTIONS | REGULATION VIII.

RULES REGARDING SETTLEMENT OF ESTATES.

29th. If the proprietors of lands cannot be ascertained or are not forthcoming, advertizement to be issued, and the lands to be held khas pro tempore.

30th. Settlement of disputed estates to be made with the party in possession.

31st. If neither of the claimants shall have possession, a manager to be appointed and the lands to be held khas, until their claims shall be determined in the Civil Court.

32d. Disputes respecting boundaries to be left to the adjustment of the Courts; and the settlement of the lands to be made with the party in possession.

CAUZIES AND CANOONGOES.

33d. Special rules are enacted in Section 48, for fixing the assessment in each of the three provinces, adapted to local circumstances, but the following general provisions are added.

34th. See Regulations II and V, 1816, Regulation II, 1817, Regulation I, 1818, and Regulation I, 1819. Allowances of Cauzies and *Canoongoes*, and public pensions paid by land-holders to be added to the Jumma, and in future paid by the collector, under the restrictions contained in Regulation XXIV, 1793. The

1793 | SECTIONS | REGULATION VIII.

Rules for fixing the public Assessment.

35th. The assessment to be fixed exclusive of sayer, with exception to the collection in the Gunges, &c. in Calcutta; and to certain other articles of collection confirmed under rules re-enacted by Regulations XXVII and XXXIV, 1793.

36th. Assessment also to be fixed exclusive of all lakherage lands.

37th. The above rule not to include Malikana, Nankar, Neezjoot, or other private lands of Zemindars in the three provinces.

38th. Malikana lands in Behar to be re-annexed, and the proprietors to be required to engage for the entire estates including such lands.

39th. The same rule applicable to Bengal and Orissa, with a modification in cases in which the Zemindars may have held the lands under a similar tenure, previously to the 12th of August, 1765, and shall wish to retain possession.

40th. Consolidation of Malgoozaree and private lands to be made also in Talooks.

41st. Chakeraun lands also to be annexed and held responsible for the revenue.

All

1793	SECTIONS	REGULATION VIII.
	42d. See Section 7, Regulation XIII, 1807.	All engagements for the jumma to be in sicca rupees—*rupees of sorts* to be received subject to batta.
RECUSANT ZEMINDARS.	43d.	Lands of recusant land-holders to be let in farm or held khas.
	44th to 47th.	Rescinded by Section 5, Regulation VII, 1822.
	48th. See C. 8, Section 15, Regulation VII, 1799, & Section 2, Regulation V, and Section 2, Regulation XVIII, 1812.	Settlement to be made by proprietors, with their dependant Talookdars, for the same period as the term of their own engagements (10 years) *a record of their engagements with their Talookdars* to be delivered to the collector.
MOCURRUREEDARS.	49th.	Istemrardar (Mocurrureedars) described in Section 18, who have held their lands at a fixed rent, more than 12 years, not liable to an increased demand of rent.
	50th.	But if not held at a fixed jumma for 12 years, may be assessed at the general rates of the district.
INCREASED DEMANDS OF RENT.	51st.	The following rules prescribed to prevent undue exactions from dependant Talookdars.
	C. 1st.	Proprietors not to demand an encreased rent, except on proof that they are entitled to do so, either by conditions of the tenures, or by special custom of the district; or that the Talookdar, by receiving

Proprietors of land and their dependant Talookdars or under-tenants.

receiving abatements of his jumma, has subjected himself to an increased demand; and that the lands are capable of affording it.

C. 2d. On proof of undue exaction, the judge to award damages of double the amount, with costs of suit.

52d. Actual proprietors to let their remaining lands, (under the following restrictions) *in whatever manner they think proper*; but every engagement to be specific as to the amount and conditions, and any sums taken in excess of the amount specified, to be considered extorted, and to subject the offender to a penalty of double the amount.

See Regulation VIII, 1819.

53d. Persons employed by actual proprietors to collect the rents, to be furnished with an Aumil-nameh, signed by such proprietor.

54th. All Abwauls and cesses of whatever description, payable by ryots to be consolidated into one Assul-jumma.

See Section 2, Regulation IV, 1794.

55th. No additional Abwauls or Mahtuts to be imposed on the ryots, under a penalty of 3 times the amount.

In

1793 | SECTIONS | REGULATION VIII.

Rules relative to Pottahs and specification of rents.

56th. See Section 3, Regulation V, 1812. — In what cases *Pottahs may vary* according to the articles of produce of the lands.

57th, C. 1st. — The rents to be paid to be specifically stated in the Pottah.

2d. — In cases where the rate only can be specified, as where the rents are adjusted on a measurement of the lands after cultivation; or where payable in kind; the rate and terms of payment, or proportion of the crop to be delivered, to be clearly specified.

58th. See Section 6, Regulation IV, 1794. — Rescinded by Section 3, Regulation V, 1812.

59th. See Section 5, Regulation IV, 1794. — Ryots entitled to demand Pottahs of Zemindars who are *required to grant them*—penalty for refusal or proof in the Dewanny Court—no dependant Talookdar or farmer to grant a Pottah extending beyond the term of his own lease, nor any Agent to grant Pottahs without authority.

60th C. 1st. — All existing leases to under-farmers *and Ryots* to remain in force until their expiration, unless attained collusively or from unauthorized persons.

C. 2d. — Pottahs of Khood Kusht Ryots not to be cancelled, except on proof that

that they have been obtained collusively, or that the rates paid for the last three years are below the Pergunnahs nerick.

61st. Land-holders prosecuting for claims which shall not have been *consolidated into one demand*, to be nonsuited with costs and damages.

See Section 3, Regulation V, 1812.

62d. Rescinded by Section 2, Regulation XII, 1817.

63d. C. 1st. Receipts to be granted by land-holders for all payments of rents; and persons to whom refused may recover damages by a civil suit.

C. 2d. Rents of absconded Royts not to be demanded from those who remain.

64th. Proprietors to adjust the instalments of rent receivable from under-tenants and Royts, and liable to be sued for damages for not observing this rule.

65th. Superseded by the provisions of Section 3, Regulation V, 1812.

66th. Land-holders and farmers of land, and their dependants, prohibited interfering in any matter coming within the cognizance of the Civil

or

Miscellaneous rules and provisions.

or Criminal Courts of Judicature, under penalty of such fine to Government as the Courts may deem proper to impose.

67th. C. 1st. Restrictions on the Cubooleuts of proprietors of land and Sudder farmers, not repealed by a Regulation, to remain in force.

C. 2d. Proprietors of land entitled to borrow money or sell their estates of their own authority, from the dates of the settlement being concluded with them—bona fide transfers of estates or Talooks, made subsequent to the 8th June 1787, to be held valid.

C. 3d Rules regarding the recovery of arrears of rent or revenue from Ryots or under-farmers, re-enacted in Regulation XVII, 1793.

C. 4th. Proprietors and farmers of land deprived of Police jurisdiction by rules re-enacted in Regulation XXII, 1793.

C. 5th. Collectors to attend to the spirit of the rules of this Regulation where they may not be applicable to particular districts, reporting the deviation in any case.

C. 6th. In what cases the settlement authorized to be concluded under the Regulations, which existed prior to the original rules for the decennial settlement.

Here

1793 | SECTIONS | REGULATION VIII.

See 68 to 101. Here follow special orders, applicable to Bengal, Behar, Midnapoor, and the Salt Districts.

The

REGULATION X.

Section 2, see Regulation VI, 1822.

The superintendance and *jurisdiction* of the Court of Wards to extend to the estates & persons of all disqualified proprietors of entire estates; namely, females not deemed by the Governor General in Council competent to the management of their own estates, minors, idiots, lunatics, or others, rendered incapable by any natural defects or infirmities, or *by profligacy of character*, to manage their estates.

See Regulation VII, 1796.

3d. See Regulation III, 1796.

But *not to extend* to proprietors of estates not paying revenue immediately to Government, nor to joint proprietors, both or all of whom may not be disqualified.

4th.

Collectors to ascertain and report any cases of disqualified landholders: and the following rules passed for ascertaining the ground of disqualification; and for enabling proprietors to recover the management of their lands, when such disqualification may no longer exist.

5th. C. 1st.

If a proprietor of land be reported disqualified solely from being a female, the Court of Wards to take the estate under their charge, reporting the circumstance to the Governor General in Council, *who reserves the power* of declaring such proprietor exempt from the operation of this Regulation.

See Section 3, Regulation L, 1793.

If

1793 SECTIONS

REGULATION X.

For the establishment and guidance of the Court of Wards.

C. 2d. If reported by the collector disqualified on the ground of minority and the Court of Wards shall see no reason to doubt the non-age of the proprietor; to proceed as above; reporting to Government. If the alleged minority be denied, the proprietor, or any person on his behalf, may petition the judge of the Zillah or City Court; and the judge to transmit the same for the orders and final decision of the Sudder Dewanny Adawlut, a copy of which decision to be certified by that Court to the Governor General in Council, who will order the estate to be put under the Court of Wards or otherwise, according to the decision of the Sudder Dewanny Adawlut.

C. 3d. If reported disqualified on grounds of lunacy, or any natural defects or infirmities, the Board to order the collector to represent the circumstance through the vakeel of Government to the Zillah Court; which representation to be forwarded by the judge to the Sudder Dewanny Adawlut for investigation and final decision of that Court, and of Government as above prescribed.

C. 4th. Rescinded by Section 2, Regulation VII, 1796.

C. 5th. In cases of persons declared disqualified on grounds of lunacy, measures

measures to be occasionally adopted to ascertain the continuance or otherwise of such disqualification.

C. 6th. Any person adjudged disqualified on the grounds specified in Clauses 2, 3 and 4, and who may deem the ground of their disqualification removed, may recover the management of their estates by representing the circumstances to the Zillah Judge, who will forward such application to the Sudder Dewanny Adawlut for decision and for the orders of Government.

6th. See Section 30. The trusts of manager for the estates of disqualified land-holders, and guardians, to be distinct; but may, in some instances, *be united in the same person.*

7th. When vested in different persons the former to have the care of estates real and personal; the latter, the care of the person and maintenance, and (if a minor) the education of the ward.

8th. C. 1st & 2d. Rescinded by Section 26, Regulation VII, 1799.

9th. Security to be given and obligation to be executed by managers.

FORM OF PRESCRIBED OBLIGATION.

10th. An allowance proportioned to the extent of trust and trouble of the manager to be proposed by the collector, and fixed by the Court of

of Wards; and if proved guilty of any embezzlement liable to the penalty specified in his obligation and dismissal; the penalty to be appropriated for the benefit of the estate.

11th. See Section 25, and Regulation L, 1793.

The necessary *establishment of officers* under the manager, to be proposed by the collectors, and fixed by the Court of Wards—the persons employed to be nominated by the manager, subject to the approval of the collector—any individual of such establishment proved guilty of embezzlement, liable to the same penalty as the manager.

12th. C. 1st.

The following rules passed for the guidance of collectors and managers regarding the payment of the public assessment, and general appropriation of the receipts of the managers from lands of disqualified persons.

An allowance of 10 per cent. on the actual revenue realized and paid to Government, to be assigned to the proprietor and his family, to be paid monthly by the manager in the proportion of his monthly payment of revenue to the collector, which are to be made, subject to the prior payment of his establishment and malikana allowance—a monthly account of all receipts and disbursements *to be delivered to the collectors* for inspection and audit, who is to see that the ma-

See Section 5, Regulation L, 1793.

managers

nagers receipts are fairly appropriated to the payment of the public revenue—any arrear of revenue which may arise in one year, to be made good from future surplus collections; and the same rule to apply to arrears of allowance of the proprietor—but if there be no balance outstanding, the surplus collections to be applied to the benefit of the estate.

13th. A discretionary power vested in collectors to reduce or increase in certain cases the allowance of proprietors, subject to the approval of the Court of Wards—but no increase to be allowed without the sanction of Government, unless there be lakheraje lands or other resources equal to the same—in the event of a reduction of allowance, the savings arising therefrom to be applied to the benefit of the estate; as well as any surplus receipts arising from resources independent of the Malgoozaree lands, not otherwise appropriated by the collector.

14th. Where a distinct guardian may be appointed, the manager to pay to him the allowance fixed for the maintenance and education of the proprietor and support of his family, as well as the amount of any resources

For the establishment and guidance of the Court of Wards.

resources independant of the Malgoozaree lands which the collector may think proper to allot for these purposes.

15th. A specification of the property entrusted to the manager and guardian respectively to be signed by these persons, and deposited in the collector's office.

16th. The manager to discharge his trust diligently and faithfully, and act in every respect for the proprietor's interest, according to the best of his judgement—but if acting for a minor, not to grant any leases extending beyond the life of the proprietor, or contrary to Regulation XLIV, 1793, or to dispose of any part of the real property under his charge, without the sanction of the Court of Wards.

17th. The manager to deliver to the collector an annual account current of his receipts and disbursements on oath, with vouchers, unless the Court of Wards shall admit a solemn declaration in lieu of an oath—the collector to audit disbursements, and see that surplus receipts are appropriated as prescribed in Section 12.

18th. Collector to apply such surplus receipts to the purchase of lands, or interest loans on mortgages, or Government securities, if not

not required for the improvement of the estate, and to transmit the deeds of purchase, mortgage, &c. to the Court of Wards, to be deposited in the General Treasury—the Court of Wards to obtain the Sub-Treasurer's receipt, and transmit an attested copy to the collector to be delivered to the manager—the manager in like manner to deliver to the collector any existing title or mortgage deeds, or Government securities belonging to the estate, to be deposited in his treasury, granting his receipt, interest becoming payable on Government securities to be paid to the manager, and to be appropriated as directed in regard to resources independant of the Malgoozaree lands.

19th. Rule regarding the payment of any debts due from estates of disqualified land-holders.

20th. The province of guardian[illegible]o be as explained in Section 7.

21st. See Section 26, Regulation VII, 1799. *The rules in Section the 8th,* applicable to the selection of guardians; provided that the guardianship shall, in no instance, be entrusted to the legal heir, or other person interested in outliving the ward.

Female

1793 | SECTIONS

For the establishment and guidance of the Court of Wards.

REGULATION X.

Female minors to have guardians of their own sex—testamentary appointments of guardians to be reported by the collector for the confirmation of the Court of Wards; and shall not be valid until confirmed by that Court.

22d. Guardians to be appointed to land-holders disqualified for the care of their own persons and maintenance by minority, or by any mental or bodily defects or infirmities; but not to female or male proprietors not so disqualified, who may receive and disburse their own allowance.

23d. If no friend or relation of the party shall be found to undertake the office of guardian gratuitously, the Court of Wards may authorize compensation, to be provided from the allowance fixed for the maintenance of the ward.

24th. Security to be given and obligation to be executed by guardians.

FORM OF OBLIGATION.

25th. Establishment of necessary servants to act under the guardian how to be provided and paid, and the rules in Section 11, applicable to such establishments.

Monthly

Sections	Regulation X.
26th.	Monthly and annual accounts to be delivered by the guardian to the collector, who is to audit the disbursements and see that the receipts are duly appropriated; and cause any surplus not required for the expenses of the ensuing year to be paid to the manager.
27th.	The superintendance by female guardians of male minors, limited to the end of the 5th year—guardians to provide proper teachers for them on their attaining the age of tuition.
28th.	Rescinded by Regulation XXVI, 1793.
29th.	Guardians of female minors, also to see that their wards receive a suitable education.
30th.	The trusts of guardian and manager, may, if convenient, be united in persons to whom the inheritance cannot descend, but in such cases, the trustee to execute the two distinct obligations prescribed for each office, and deliver the prescribed accounts of each district.
31st.	Managers and guardians to sign and seal papers with their own name and seal, but on no account to sign or seal the name of their ward,

For the establishment and guidance of the Court of Wards.

ward, or of his or her deceased parents—all family seals to be deposited in the treasury of the collector.

32d C. 1st. See Regulation LV, 1795.

Minors and others having guardians not liable to *be sued*, but under the protection and joint names of their guardian.

C. 2d. See Regulation XVII, 1813.

But during the term of disqualification may sue *the collector*, their guardians, or managers, for fraud, by any person willing to undertake their cause—such person previously giving security for payment of all costs and damages, in the event of being cast—the Court of Wards may order the collector to inquire into any such charges against guardians or managers, the attendance of any persons necessary on such inquiries to be procured by application to the Judge of the Civil Court; and the Court of Wards, or collectors, empowered to administer oaths to such persons—the Court of Wards to certify any judgments passed by them under this Clause to the Dewanny Court of the Zillah, by which the same shall be enforced, but an appeal from such judgments to lie to the Sudder Dewanny Adawlut, if preferred within three months, sufficient cause being shewn—the Sudder Dewanny may admit an appeal after the expiration of that period.

No

For the establishment and guidance of the Court of Wards.

33d. No adoption by disqualified land-holders valid, without previous sanction of the Court of Wards.

34th. Collectors, on reporting to the Board, the disqualification of any land-holder, to state the condition of the party, the particulars of his or her estate, real and personal, as far as can be ascertained; and the person who may appear most eligible for manager and guardian; with the grounds of such opinion, the same report to be made in cases of testamentary appointments, stating whether there be any, and what objections to the confirmation thereof.

35th. Collectors to make such further reports, as may be required by the Court of Wards; and they, as well as managers and guardians, to observe all instructions of that Court, not contrary to any Regulation.

36th. Collectors, managers and guardians liable to be sued in the Zillah Dewanny Court for any acts done in opposition to this Regulation, or in breach of their respective trusts, after the estate shall be surrendered by the Court of Wards from their charge—the rules regarding suits specified in Section 33, Regulation XIV, 1793, which collectors are required to defend at their own risk and expence *applicable to suits instituted against them under this* Section. After the 1st July 1794, landed

See Regulation XVII, 1813, and Regulation II, 1814.

Restrictions on the inheritance of landed property removed.

Section 2d. See Section 2, Regulation X, 1800.

landed property *to descend according to the Mahomedan or Hindoo law*, unless the last proprietors shall have otherwise disposed of it in a manner sanctioned by those laws.

3d.

See Regulation XIX, 1814.

Two or more persons succeeding to an estate to be at liberty to hold it as a joint undivided estate,—one or more of the sharers desiring to have separate possession, may obtain a separation in the manner directed *by Regulation* XXV, 1793.

4th.

See Regulation XVII, 1805.

If any two or more sharers shall hold their shares undivided, *a manager to be appointed under the rules contained in Sections* 23, 24, 25 and 26, Regulation VIII, 1793.

If any one or more sharers shall desire a separation, the Jumma to be adjusted according to the rules prescribed in Section 10, Regulation I, 1793, or if the estate be held Khass, or let in farm, the provisions of Section 11, Regulation I, 1793, applicable to it.

5th.

This Regulation not to operate retrospectively, or be in force till the 1st July, 1794.

6th

Not to prevent persons transferring their property in the manner, and to whom they may think proper, provided the transfer be not repugnant to the Hindoo or Mahomedan law, or to the general regulations.

If

SECTIONS	REGULATION XIV.
Section 2d.	If the whole or a portion of a Kist or instalment payable on any one month, shall remain undischarged on the first of the following month, the sum so remaining unpaid shall be considered an arrear of revenue.
3d. See Sections 2 to 11, Regulation III, 1794, Section 2, Regulation XVIII, 1814, Section 4, Regulation X, 1818, C. 2, Section 11, Regulation II, 1819, C. 2, Section 19, Regulation VII, 1822, and C. 2, Sections 2 and 7, Regulation XI, 1822.	Payment of an arrear of revenue to *be demanded in writing, and to be served on the defaulter* *—manner of service prescribed.
4th.	Superseded by Section 3, Regulation III, 1794, and Section 23, Regulation VII, 1799.
5th. See Section 14, Regulation III, 1794, See C. 2, Section 23, Regulation VII, 1799.	Process to be observed by a Collector for the *arrest and confinement* of a defaulter, for recovery of any public dues—defaulter to be conveyed to the *Dewanny Jail;* and motion to be made in writing to the

* Note.—Although Regulation XVIII, 1814, (by which this provision is modified) is rescinded by Regulation XI, 1822, yet it appears from Sections 2 and 3 of the latter Regulation, as well as from the provisions in Sections 11, 12 and 13, Regulation III, 1794, that a collector is not precluded the exercise of the discretion allowed by Section 2, Regulation XVIII, 1814, in regard to demanding payment of an arrear in the manner prescribed in this Section, previously to issuing the notice of sale under Clauses 1 and 3, Section 7, Regulation XI, 1822.

For the recovery of arrears of public revenue.

See Section 9, Regulation XLV, 1793.

the Court, through the Vakeel of Government, and the judge to confine the defaulter, till released at the application of the collector, or until all dues be discharged.

6th.
See Section 2, Regulation I, 1801, Sections 3 and 14, Regulation III, 1794, Section 30, Regulation VII, 1799, C. 3, Section 23, Regulation VII, 1799, Sections 5, 6, 7, & 8, Regulation V, 1812, and Section 4, Regulation I, 1801.

Attachment of lands to be made on the *confinement of a defaulter*—attaching establishment, *how proposed and authorized*—Aumeens to collect according to *subsisting engagements*, or in default thereof, according to the *established rates*—responsibility of Aumeens—*small estates* to be committed to the charge of the nearest Tehseeldar or other revenue officer.

7th.
See C. 1, Section 23, Regulation VII, 1799.

Board of Revenue may authorize the charge of interest on arrears at the rate of 12 per cent. per annum—payment to be enforced by collector in the same manner as arrears of revenue.

8th.
See Section 3, Regulation III, 1794, C. 7, Section 23, Regulation VII, 1799, and Section 2, Regulation I, 1801.

In cases of defalcation from inclemency of season, the collector may suspend the confinement of defaulting *proprietor* or farmer, reporting to the Board.

9 to 11.

Rescinded by Regulation III, 1794.

Persons

1793 SECTIONS

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REGULATION XIV.

12th.

See Regulation II, 1814.
See Section 29.

Persons confined by the collector for arrears, at liberty to *institute a suit* against him to try the *justness of the demand*, and may obtain damages of the collector, if no arrear appear to have been due—security to be taken from the party released from confinement, in the event of the judgment being *appealed*, but not otherwise—*in what cases* the collector not liable to damages.

See Section 9, Regulation II, 1805, See Section 11, Regulation III, 1794.

13th.

Rescinded by Section 2, Regulation XI, 1822.

14th.

Rescinded by Section 11, Regulation III, 1794.

15th.

See Section 9, Regulation XLV, 1793, see Section 3, Regulation III, 1794, and Section 24, Regulation VII, 1799, and C. 3, Section 19, Regulation II, 1819.

If any process issued by a collector under Section 5, against a *proprietor of land*, * shall be *resisted or evaded*, or the defaulter abscond after having been taken into custody, the collector to apply to the Court through the Vakeel of Government; and the Court, after due inquiry into the fact of resistance, &c. to issue a publication requiring the defaulter to surrender himself within four weeks—the lands, in the mean time, to continue under attachment.

Defaulter

* Process of arrest can only be issued against proprietors in cases specified in Section 44 and Section 14, Regulation III, 1794, and to such cases alone, this and the following Sections relating to the forfeiture of estates of proprietors can apply.

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REGULATION XIV.

For the recovery of arrears of public revenue.

16th.

See Section 3, Regulation IX, 1799.

Defaulter not appearing pursuant to Istehar, or of having appeared, shall be convicted of resistance, his estate to be declared *confiscated to Government*—rules for the guidance of the Zillah, Provincial and Sudder Courts, in cases of appeal from the judge's decision—the Board may authorize an appeal at the recommendation of the collector, who is to obtain and furnish them with copies of decrees and proceedings of each Court, if the estate be not decreed forfeited—but if so decreed, the Court to transmit a copy of decree and proceedings to the Governor General in Council—rule for determining what decrees of the Provincial Court are appealable to the Sudder under this Section, but decrees so passed, not to be carried into execution without the sanction of the Governor General in Council; and if the estate be decreed forfeited, the Governor General in Council may confirm or commute the forfeiture to a fine within *four weeks*, to be levied by the Court which may have decreed the confiscation, and the amount to be paid to the collector of the Zillah, but decree of forfeiture *to be final, if not commuted to a fine within the above period*—process instituted against a defaulter, and appeals preferred under this Section, to be conducted by the Vakeel of Government, on the part of the collector, and to be carried on at the public expense.

See Section 3, Regulation IX, 1799.

Ditto ditto.

Proceeds

1793 | SECTIONS | REGULATION XIV.

For the recovery of arrears of public revenue.

17th. Proceeds of the estate of a defaulter, whilst attached, to be accounted for to him, if the forfeiture should be commuted to a fine, and a portion of the defaulter's estate to be sold, if necessary, to make good the demands against.

18th. If the forfeiture should be confirmed, the Governor General in Council will confer the estate on the heirs of the defaulter, or direct it to be disposed of at public sale.

19th. In case of resistance of process by a farmer, the collector to persue the same measures as directed in regard to proprietors of land, and a similar course of procedure to be adopted by the Courts of original jurisdiction and appeal as prescribed in Section the 16th, and if the offence be proved, the lease to be declared annulled, but may be commuted by the Governor General in Council to a fine.

20th. If the lease be annulled, any balance due to be recovered from the farmer and his surety—if surplus be collected to be paid to the defaulter, who may sue his under-tenants for any balances of rent due from them during the period his lease was in force.

21st. The same rule applicable to cases of resistance of process by sureties of proprietors or farmers of lands; but on conviction liable to a fine

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fine, at the discretion of the Court, which may be alleviated by the Governor General in Council.

22d. Rescinded by Section 11, Regulation III, 1794.

23d. See Clauses 2 & 6, Section 23, Regulation VII, 1799. Defaulting farmers *how to be provided against* if their lease be cancelled, *may sue for rents* due from under-tenants.

24th. See C. 6, Section 23, Regulation VII, 1799. See Regulation XVIII, 1814, and Regulation XI, 1822. Collectors to *attach the lands* of sureties of proprietors or farmers whom he may proceed to confine for arrears, but such lands not to be sold *without the sanction of Government.*

25 to 28. Rescinded by Section 2, Regulation XI, 1822.

29th. Judges empowered to require a collector to show cause why a defaulter is continued in confinement—if he be confined under a judicial decree, the judge not to enter into the merits of the case, but only to enquire, whether the amount and sums due from him have been discharged—if confined at the process of the collector only, the party at liberty to prosecute under Section 12, but if full payment of all demands due be alleged, the judge to enquire into the case, and

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and the proceedings held in examination of the defaulter's accounts and payments; to be in continuation of the original suit or process, and if the judge shall consider that the demands against the defaulter have been liquidated, he is to release him, taking security to the amount of the alleged balance against him in case the judgment be appealed by the collector—if the demand shall appear to be due, and the dafaulter have been in confinement more than one year, the judge may release him, on giving security to pay by instalments—either party dissatisfied with the decision of the judge under this Section, may appeal under the rules prescribed in Regulations V and VI, 1793—the rules in the following Section to be applicable to all decisions passed under this Section.

30th.

See Section 15, Regulation XIX, 1793, and Regulation II, 1814, and Section 9, Regulation II, 1805 (D.)

Collectors to apply to the Courts, through the Vakeel of Government, for a copy of decree and proceedings in the *event of being cast* in any suit on account of any sum of money demanded or received as an arrear of revenue, and are to *forward the same* to the Board, with a letter stating his objections to the decision—if the Board direct an appeal, the collector to be indemnified by Government for all costs and damages awarded against him, but personally liable to the same, if the Board shall not see ground to authorize an appeal—in such

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such cases the collector at liberty to appeal at his own responsibility and risk—appeals ordered by the Board to be conducted by the Government pleaders at the public charge.

31st. In case of an appeal from a decision passed in a Zillah or Provincial Court in favor of a collector, that officer to defend the cause in appeal—but if the Provincial Court shall reverse the Zillah decree, the collector to obtain and forward to the Board copies of decrees and proceedings of both Courts, stating his objections in a letter—the Board may direct an appeal; but if no appeal be so authorized, the collector may appeal at his own risk and responsibility for costs and damages in the event of being cast—in all such causes in appeal, whether the collector be appellant or respondent, the Government pleader to be employed, under the collector's instructions, to prosecute or defend the appeal.

32d. See Regulation XVII, 1813, (D.) and Regulation II, 1814, (D.) Collectors to appoint a *Vakeel of the Zillah Court* to defend suits *preferred against them* under this Regulation, and to nominate Vakeels to carry on appeals, which they may prefer without the authority of the Board of Revenue.

33d. See Regulation II, 1815, (D.) Suits instituted under this Regulation *against the collector* for sums of money demanded or taken for his own use, or for acts done on his

his official capacity unauthorized by or repugnant to, this Regulation, to be defended in his private capacity at his own risk and expense, and not referable to the Board.

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34th. Collectors not to derive any pecuniary advantage from suits in which they may be engaged, except suits specified in Section 33, nor to suffer loss, if their conduct has been conformable to the Regulations, with the exceptions specified; they are to bring to public account all costs and damages that may be adjudged to them—to issue from the public treasury and insert in their accounts the expenses of all suits that are at all events to be defrayed by Government, as well as such as may be ultimately chargeable to Government, first obtaining the sanction of the Board.

35th. The Board of Revenue to report to the Governor General in Council any cases in which a collector may have been compelled to pay costs or damages, for which they may be of opinion he ought not to be made responsible.

36th. Security not to be required from a collector for his personal appearance, nor for costs, or performance of decree, except in particular cases herein specified, or in private actions instituted against him under Section 33—payment of costs or damages against a collector

may

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may be enforced by reporting to Government, if the collector or his surety refuse to discharge them, or may be levied from the surety by the customary process—collectors liable to be fined by the Court for refusing to obey any order or decree; and in the event of refusal to pay, a report to be made by the judge to Government.

37th. The Board of Revenue to issue instructions to the collectors regarding the mode of inserting or noting in their accounts their receipts and disbursements in the suits herein mentioned, and to require such vouchers for the sums as they may think proper.

38th. Process issued by the Courts against collectors in suits instituted under this Regulation to be transmitted under a cover, sealed in the form of a letter, and superscribed with his official address, and the collector to acknowledge the receipt thereof on the same day in a letter to be addressed to the Register of the Court.

39th. Collectors may forward instructions to Vakeels in the Courts of Appeal, by Dawk, free of postage, to be enclosed under a sealed cover, addressed to the Register of the Court—the same power continued to collectors having suits depending in the Zillah Court after

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after his removal from the Zillah, and Vakeels similarly empowered to transmit papers to the collector, through the register of the Court in which the suit may be depending.

40th. See Section 8, Regulation III, 1794.

Sums advanced as Tuccavee, or for Poolbundy, &c. to be recovered in the same manner as arrears of revenue.

41st.

Collectors not liable to prosecution for the acts of their predecessors—collectors removed from office to carry on suits of the nature described in Section *33*, in which they may be engaged—and all appeals in which they may be a party, excepting such as may have been preferred under orders of the Board.

42d.

Collectors to carry on unfinished suits or appeals instituted by their predecessors, or in which they may have been engaged under orders of the Board; and which are directed to be carried on by the Vakeel of Government at the public expense.

43d.

See Section 5, Regulation VIII, 1816, (D.)

"In cases in which the Board of Revenue may judge it expedient, or may require orders for the purpose from the Governor General in Council, they are to *take upon themselves* the prosecution or defence of any appeals in the Sudder Dewanny Adawlut preferred by a collector pursuant to their orders.

If

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For the recovery of arrears of public revenue.

44th.

See C. 2, Section 2, Regulation XI, 1822.

If the proceeds of the sale of the Malgoozaree lands of any defaulting proprietor, farmer, or surety, be insufficient to liquidate the arrear due, any other real or *personal property may be attached and sold*, and the expense attending such attachment chargeable to the proprietor.

45th.

See C. 2, Section 23, Regulation VII, 1799.

Rule for serving process, directed in Section 5, *on defaulters* residing in the cities of Dacca, Patna, Moorshedabad, or Calcutta.

46th.

Any proprietor, farmer, or purchaser of land, or surety, deeming himself aggrieved by any act done by a collector pursuant to special orders of the Governor General in Council or the Board of Revenue; or who may dispute the validity, or otherwise object wholly or in part to the engagements under which a demand against them may be made by a Collector, such person is, nevertheless, to discharge the demand, and the engagement to be held valid, until set aside by a judicial award, but may petition the judge of the Zillah Court, stating his objections to the act complained of, or to the engagements, and praying that Government will order the question or matter to be tried—the judge to forward the petition to the Governor General in Council, who will either afford the redress solicited, or direct the Court to proceed to trial—in the latter

For the recovery of arrears of public revenue.

latter case, a written notice to be served on the plaintiff, and the cause to be considered filed, and the collector to defend the suit on the part of Government, in the Zillah Court or in Appeal—in the event of Government being cast in the Zillah or Provincial Court, the collector to forward copies of decrees, &c. with his objections to the Board, who will submit them, with their opinion, to *the Governor General in Council*, who will order an appeal or not as may appear advisable—all costs and damages awarded against Government to be defrayed from the public treasury.

See Section 9, Regulation II, 1805, (D.)

47th. Rules in this Regulation regarding collectors to be held applicable to acting collectors.

48th. See Sections 2 & 3, Regulation XVII, 1805. Joint proprietors of estates committed to the charge of a *manager under Sections 23 to 26, Regulation VIII*, 1793, *not liable to confinement*—lands of disqualified proprietors committed to the charge of a manager, under Regulation X, 1793, not liable to be sold for arrears of Government revenue incurred whilst under such charge, or their persons liable to confinement, nor the person of a female proprietor to be taken into custody, or personal appearance to be required by a collector under any pretext—not to take into custody or require the appearance of any proprietor, farmer, or surety, except in cases expressly authorized—arrears of revenue are to be recovered

See Sections 2 & 3, Regulation XVII, 1805.

recovered from female proprietors who may be exempted from the operation of Regulation X, 1793, and from *joint proprietors*, by a sale of lands, and by attachment and sale of any other property.

Powers

1793 | SECTIONS | REGULATION XVII.

Distraint and sale of property for rents.

Section 2d. See Section 2, and Sections 14 to 20, Regulation VII, 1799.	Powers of distraint and sale of personal property for the realization of arrears of rent due, *vested in* land-holders and farmers, also dependant Talookdars and under-farmers.
3d. See Section 13, Regulation V, 1812.	Lands, houses, or real property, not liable to distraint; or advances or materials for the Company's investment, nor the tools of a tradesman or labourer, all such distraints *illegal and void*, and render the distrainer liable to damages and costs of suit, and the defaulter to stand acquitted of the arrear.
4th. See Section 14. Ditto ditto.	Ploughs, implements of husbandry, seed, and cattle trained to the plough, not liable to distraint if the defaulter *possesses property*.
5th. See Section 3, Regulation VII, 1799.	Under-tenants *not to be considered defaulters* until the arrears have been ineffectually demanded—distraint of property of a defaulter not to affect the responsibility of the surety.
6th.	Damages and costs of suit to be awarded for distraint of property when no arrear is due.
7th.	Attachment not to take place if the arrear be tendered in presence of two witnesses.

Distrainers

Sections	Regulation XVII.
8th.	Distrainers to deliver to the attaching officer an * *attested writing*, specifying the amount of the arrear and date on which it became due —a copy to be delivered to the defaulter, with a list of the property attached, endorsed ; also *a notice of the day of sale*, unless the arrear and expenses of attachment shall be previously discharged, or *the demand be contested*—if the defaulter be absent, a copy of the notice to be affixed at his usual place of residence; any neglect to observe these rules will incur the forfeiture of the arrear, and subject the distrainer to the payment of the value of the property with costs of suit.
* See Section 3, Regulation XXXV, 1795, Section 4, Regulation VII, 1799. See Section 2, Regulation XXXV, 1795, and Sections 15 and 16, Regulation V, 1812.	
9th and 10th.	Rescinded by Section 2, Regulation XXXV, 1795, and re-enacted by Sections 15 and 16, Regulation V, 1812.
11th.	Attachment to be withdrawn, if the defaulter shall tender the arrear and expenses of attachment previous to the day of sale—any dispute arising to be determined by the *Cauzy of the Pergunnah*—the Courts to punish any distrainer acting contrary to this Regulation, by awarding costs and damages to the injured party.
See Section 8, Regulation XXV, 1795, and Sections 6 and 7, Regulation VII, 1799.	
12th.	Property distrained not to be taken out of the Pergunnah, but to be kept in a place of safety.

Distrained

1793 | SECTIONS | REGULATION XVII.

Distraint and sale of property for rents.

13th. Distrained crops and ungathered products of the earth, when to be reaped and where stored.

14th. Distrained cattle not to be worked, nor goods or effects used—distrainer to provide food for cattle or live stock, to be paid for by the owner on his redeeming his property, or from the proceeds of the sale.

15th. Distrainer to make good any loss or damage occasioned by neglecting to take due care of property distrained.

16th. Distress to be proportionate to the arrear, and excessive distress to subject the distrainer to payment of damages with costs of suit.

17th. Distress to be levied between sun-rise and sun-set under penalty of forfeiture of the arrear, and payment of the value of the property, with costs of suit, in proof of any violation of this rule.

18th. Any transfer of the defaulter's property to prevent distraint invalid, and persons receiving such property liable to pay damages with costs of suit to the distrainer.

19th. See Section 9, Regulation VII, 1799. Defaulters *resisting attachment, or removing distrained property,* liable on proof thereof, in the Civil Court, to be imprisoned in jail till the property be restored, or the arrear and all expenses due be liquidated.

Persons

20th. Persons not being the owners of the property who may be proved guilty of the above offence, liable to the same punishment.

21st. What places may be forced open, or entered for the purpose of attaching the property of a defaulter—but the Zenana, or female apartments, *not to be entered*, whether they be open or closed, nor any dwelling house *to be forced open and entered*, the outer door of which may be fastened—any violation of this rule, to subject the offendér to imprisonment for six months, and the arrear to be forfeited, and property attached, or the value of it, to be restored with heavy damages and costs of suit—distrainer liable to be sued for damages for forcing or entering any dwelling or out-house, not belonging to, or occupied by the defaulter, in which no distrainable property shall be found.

See Section 10, Regulation VII, 1799.

22d. Rescinded by Section 4, Regulation XXXV, 1795, and Section 5, of that Regulation, enacted in lieu hereof.

23d. *Cauzies punishable* for conniving at unfair practices in the appraisment or sale of distrained property.

See Section 5, Regulation VII, 1799.

24th. Distrainer, Cauzy, and appraiser not to purchase the property, under penalty

penalty of forfeiting the purchase-money, or the arrear which may have been due, and restoring the property to the owner.

25th. Defaulter not permitted to bid for or purchase the property.

26th. Rescinded by Section 6, Regulation XXXV, 1795, and Section 7 of that Regulation, enacted in lieu hereof.

27th. Persons who, under the names of sureties, farm or tenant lands in the names of others, to be considered the actual Ryots or farmers of such lands.

28th. Land-holders and farmers prohibited from confining or inflicting corporal punishment on defaulters or their sureties, and may be prosecuted either civilly or criminally on such offence.

29th. See Sections 6 & 7, Regulation VII, 1799, Section 8, Regulation XXXV, 1795, and Regulation XXIII, 1814, (D.) What persons to perform the duties assigned to the *Pergunnah Cauzy* in his absence.

30th. Heirs and successors to land-holders and farmers, at liberty to distrain for arrears of rent due to the deceased, if entitled thereto—managers of estates of disqualified land-holders, and managers of joint undivided estates empowered to distrain.

Persons

1793 | SECTIONS | REGULATION XVII.

Distraint and sale of property for rents.

31st.

Persons vested with powers of distraint may distrain the property of defaulters employed in the provision of the Company's investment, or manufacture of salt, under the restrictions contained in this Regulation—but the distrainer to send information in writing of such distress of the property of a weaver, or Molungee, *within three days, to the Commercial Resident or Salt Agent*, or their nearest Cutchery, that the demand may be satisfied previously to the day of sale.

See Section 4, Regulation VII, 1799.

32d.

Principals responsible for the acts of their *agents*, employed in distraining property—exception in regard to entering a Zenana.

See Section 2, Regulation VII, 1799.

33d.

Persons deeming themselves aggrieved by the distaint and sale of their property, may seek redress in the Civil Court, and persons vested with powers of distraint, to have the option of suing in the *Dewanny Adawlut* for arrears.

See Section 13, Regulation VII, 1799.

34th.

Suits instituted under this Regulation to be heard and determined prior to any other suits depending.

See Section 22, Regulation III, 1794, and Section 13, Regulation VII, 1799.

Grants

1793 | SECTIONS | REGULATION XIX.

For trying the validity of titles to rent-free lands.

Section 2d. C. 1st.

See Section 24, Regulation XII, 1805, and Regulation II, 1819.

Grants of land made previously to the 12th August 1765, (corresponding with the 31st Sawun, 1172, B. S.) declared valid, provided the grantee obtained possession before that date, and has since held possession without paying revenue, otherwise not valid.

C. 2d. Courts to refer to the Governor General in Council in the event of their entertaining doubts as to the authority of any officer of Government who may have subjected lands to the payment of revenue, granted rent-free before the Dewanny, but no claim to hold lands exempt from assessment, which shall have paid revenue for twelve years, to be heard.

C. 3d. No persons, not being the original grantees, to be entitled to hold exempt from assessment lands now subject to the payment of revenue, under grants made previous to the Dewanny.

C. 4th. Nor to entitle the heirs of persons possessing life grants of rent-free lands, to hold the same exempt from assessment, after the death of the present possessor—power reserved to the Governor General in Council in regard to extending the duration of certain life grants to one or more future successors.

C. 5th. Transfers or mortgages of such grants beyond the life of the present possessor prohibited, unless confirmed as hereditary tenures by Government.

Grants

1793 | SECTIONS | REGULATION XIX.

For trying the validity of titles to rent-free lands.

3d. C. 1st. Grants made subsequently to the 12th August 1765, and previously to the 1st December 1790, not valid, unless confirmed by Government, or by an authorized officer on its part.

C. 2d. Courts how to proceed in the event of entertaining doubts of the authority of the officer to confirm the grant.

C. 3d. Exception to the rule in C. 1, in favor of grants made by the chiefs of the late provincial councils.

C. 4th. And also of lands not exceeding 10 beegahs, granted before the year 1178 B. S. for religious or charitable purposes.

4th. Questions regarding the proprietory right in lands alienated before the 1st December 1790, and adjudged liable to the payment of revenue to be determined in the Dewanny Adawlut—this Regulation relating only to the revenue of such lands.

5th. Revenue payable by grantees of certain lands assessed, to whom the proprietory right shall be continued.

6th. The rents of land alienated prior to the 1st of December 1790, held under one grant, not exeeeding 100 beegahs, which shall be liable to assessment,

For trying the validity of titles to rent-free lands.

assessment, to belong to the propietor of the estate in which situated.

7th. The revenue assessable on lands exceeding 100 beegahs, alienated prior to the 1st December 1790, to belong to Government.

8th, C. 1st. Rule for fixing the assessment on lands specified in Section 8.

C. 2d. Rule of assessment, if the grant be made previously to 1178, B. S.

C. 3d. Rule of assessment if the grant be subsequent to 1178, B. S.

9th. Rule for fixing the amount of assessment on lands specified in Section 6.

10th. All grants made since the 1st December 1790, whether exceeding or under 100 beegahs, declared null and void—proprietors at liberty to resume all lands held under such grants, and not liable to any increase of assessment on that account—managers of estates to exercise on behalf of disqualified proprietors, the powers herein vested in proprietors.

11th. Proprietors and farmers of land to sue, in the Dewanny Court, for revenue payable from lands specified in Section 6, and not to subject such land to assessment without a judicial decree—if the estate

For trying the validity of titles to rent-free lands.

estate be held Khas, Tehseeldar, or other manager, to sue under the direction of the collector.

12 to 14. Rescinded by C. 2, Section 2, Regulation II, 1819.

15th. See Regulation II, 1814. The *collector to defend suits* instituted by individuals to hold lands exempt from the payment of revenue—the Vakeel of Government to defend or prosecute suits instituted against or on the part of Government, and in the event of the collector being cast or dissatisfied with the decision, the rules in Section 30, Regulation XIV, 1793, and other Sections in that Regulation, respecting decisions given against the collector, to be held applicable—if the Board of Revenue shall not direct an appeal from the Zillah or Provincial Court, to report their reason to the Governor General in Council, who will direct an appeal or not as shall appear proper.

16th. Rescinded by C. 2, Section 2, Regulation II, 1819.

17th. Grants forged, antedated, or in any respect altered, declared null and void.

18th. Any persons concerned in such fraud, liable to a criminal prosecution.

19th. Rescinded by C. 2, Section 2, Regulation II, 1819.

20th. Hereditary grants, or such as are declared valid under this Regulation, transferrable by gift, sale, or otherwise; and persons succeeding

For trying the validity of titles to rent-free lands.

ing to such grants, to register their names in the Collector's office within six months.

21st. C. 1st. See Sections 11 and 12, Regulation VIII, 1800.

A record of lands resumed under Section 7, to be kept by the Collector—*particulars* and manner of each entry to be made.

Ditto ditto, C. 2d.

Record of lands resumed under Section 6, also to be kept—*particulars* and manner of each entry.

C. 3d.

A record of land now subject to the payment of revenue, but which may hereafter be adjudged exempt from public assessment, to be prepared—*particulars* and manner of entries, and this rule to apply to old grants renewed by Government.

Ditto ditto.

22d.

Register of lands held rent-free under grants made previous to the 1st of December 1790, to be farmed every five years—*contents and denomination of the register.*

Ditto ditto and Regulation II, 1816.

23d.

Board of Revenue to prepare a form of periodical register for the guidance of Collectors.

24th.

Holders of lands exempt from the payment of revenue under grants prior

For trying the validity of titles to rent-free lands.

See Section 10, Regulation VIII, 1800.

prior to the 1st December 1790, allowed *one year* to register their title deeds, from the date of the publication specified in the following Section.

25th.

Publication to be made requiring all persons to register their grants.

FORM OF PUBLICATION.

26th. Ditto ditto. See Section 2, Regulation LVIII, 1795, and Section 19, Regulation VIII, 1800.

Lands held under grants not registered *within the time prescribed, to be liable to assessment,* unless the Governor General in Council shall admit them on the register after the expiration of that period, sufficient cause being shewn for the non-registry.

27th.

Grants not registered within the prescribed period, or admitted by the Governor General in Council, to be considered invalid.

28th.

Registry of lands not to be considered an admission of the possessor's proprietory right in the soil; or of his title to hold the lands exempt from the payment of revenue.

29th.

Collectors to prepare the register on the expiration of the period limited for the registry of grants,—the book of registry how paged and attested.

Second

1793 | SECTIONS | REGULATION XIX.

For trying the validity of titles to rent-free lands.

30th.	Second periodical register to commence with the year 1207 of the current year.
31st.	Counterpart registers to be kept by the record-keepers.
32d. See Section 15, Regulation VIII, 1800.	In *what* languages.
33d.	Manner in which resumptions and other occurrences regarding exempted lands, in the intervals between the forming of the periodical registers, are to be recorded.
34th.	Documents respecting exempted lands to be furnished by Collectors of Zillahs from which separations may be made.
35th.	How such separations and annexations of exempted lands are to be notified to the Courts of Judicature.
36th.	Collectors not to allow the register of intermediate mutations to fall in arrears.
37th.	Counterpart of such registers to be kept by the native record-keepers.
38th.	How errors in the fair copies of the periodical registers, and registers of intermediate resumptions are to be corrected.

Similar

1793 | SECTIONS | REGULATION XIX.

For trying the validity of titles to rent-free lands.

39th. *Similar* rule to be observed with regard to counterparts of the quinquenial registers, and registers of intermediate resumptions, in the native languages.

40th. Persons in possession of disputed grants to be registered as the proprietors.

41st. Holders of grants liable to fine for omitting to furnish any information which may be required by Collectors for preparing the registers—and the Board of Revenue to furnish Collectors with all papers and information they may possess regarding the exempted lands in their respective Zillahs.

42d. See Section 15, Regulation VIII, 1800. Collectors to transmit to the Board of Revenue *and the Judge*, copies of each periodical register, and of the quarterly entries in the register of intermediate mutations—*copies also to be furnished by the Board of Revenue to the Sudder Dewanny Adawlut.*

43d. The Courts, the Board of Revenue, and Collectors, to be careful to preserve the old periodical registers and registers of intermediate resumptions.

44th. From what materials the registers are to be formed.

Penalty

1793 | SECTIONS | REGULATION XIX.

For trying the validity of titles to rent-free lands.

45th. Penalty for any native officer of a Collector receiving money or property on account of the registry of grants.

46th. Penalty for private servants of a Collector or of an assistant, convicted of the offence above specified.

47th. Rules respecting life grants, applicable to grants for a term.

48th. Grants made, or confirmed by the superintendents of the late Bazee-zemeen dufter, in Bengal, not to be annulled by this Regulation.

49th. This Regulation not to extend to Badshayhee grants.

1793 | SECTIONS | REGULATION XXI.

Establishing an office for the revenue records in each Zillah.

2d. See Regulation XV, 1797.

An office for keeping the revenue records in the native languages to be established in each Zillah.

3d. See Section 10, Regulation VIII, 1809. (D.)

Office to be superintended by two record-keepers, to be appointed by the *Governor General in Council,* and removeable only for misconduct proved to his satisfaction.

4th.

List of records and accounts to be kept in a book, to be paged and attested by the judge of the Zillah.

5th.

Keepers of records to endorse and attest upon the back of every paper the number of the page in which it may be entered.

6th.

And to be careful that the records are not destroyed by insects, damp, or otherwise.

7th.

To be liable to dismission, if papers are destroyed, or they cannot give a satisfactory account of them.

8th. See Section 6, Regulation VIII, 1800.

Keepers of the records to attend to all rules regarding their office prescribed by the Regulations.

Pensions

1793 | SECTIONS | REGULATION XXIV.

For determining the continuance or discontinuance of pensions.

Section 2d.

Pensions granted by virtue of Sunnuds previous to the Company's accession to the Dewanny; or since granted with the sanction of Government, to be continued—if in any case the amount received shall be less than specified in the Sunnud, the former only to be continued.

3d.

No pensions received without a Sunnud, or granted since the Company's accession to the Dewanny without the sanction of Government, to be continued, except on special cases and during the life of the pensioner.

4th.
See Section 30, Regulation XII, 1805, and Section 7, Regulation XXII, 1806.

Pensions not to be continued to the descendants of original grantees, *without the sanction of the Governor General in Council.*

5th.

See Section 3, Regulation XXII, 1806.

Claims to pensions to be preferred to the Collector of the Zillah; and Collector *authorized to decide therein to the amount of Rupees* 50 *per annum, subject to appeal from his decision.*

6th.
See Regulation I, 1816.

Collectors to keep separate proceedings and submit a monthly abstract to the *Board of Revenue.*

7th.

To submit proceedings on claims to pensions exceeding Rupees 50, with

For determining the continuance or discontinuance of pensions.

with an opinion thereon to the Board of Revenue, for the orders of the Governor General in Council.

8th. Collectors not to pay any pensions not already authorized until decreed under Sections 5 or 7, and *on passing judgment* to report to the Board.

See Section 3, Regulation XXII, 1806.

9th. These rules not applicable to any pensions, except such as heretofore paid by the land-holders, and now included in the Jumma, or which were received from the Sayer abolished.

10th. Certificates to be granted by Collectors to persons to whom pensions may be adjudged—what the certificates to specify.

11th. Also for pensions already authorized.

12th. Register of certificates to be kept.

13th. Pensions to be paid quarterly.

14th. *Persons receiving pensions exceeding Rupees 50 per annum,* to attend the Collector in person at stated periods to receive the amount of their respective pensions, unless disabled from attendance by illness, in which case the Collector to take due precautions to prevent imposition;

See Section 4, Regulation XI, 1813.

1793	Sections	Regulation XXVI.
		imposition; and if a pension be unclaimed for six months, the Collector to ascertain whether the party be in existence.
	15th and 16th.	Rescinded by Section 5, Regulation XI, 1813.
PENSIONS.	17th.	Courts of Judicature not to take cognizance of claims to pensions —but may *hear complaints against a Collector* or other person for withholding payment of pensions which may have been adjudged.
	See Regulation II, 1814.	

		Regulation XXVI.
EXTENDING THE TERM OF MINORITY.	Section 2d.	Section 28, Regulation X, 1793, rescinded; and the period of minority extended to the 18th year.
	3d.	Above rule to extend to male proprietors of joint undivided estates to which a *manager' is required to be appointed by Section 23 Regulation VIII*, 1793.
	See Section 2, Regulation XVII, 1805.	

Re-enacting

1793 | SECTIONS | REGULATION XXVII.

Resumption and abolition of the Sayer and internal duties.

Sec. 1st to 10th.

Sec Section 31, Regulation XII, 1805, Regulation VI, 1811.

Re-enacting rules passed by the Governor General in Council on various dates for the resumption and abolition of the Sayer duties—and for *granting compensation* to the land-holders or proprietors of Gunges, &c.

11th

Persons exacting duties of any denomination contrary to the Sayer Regulations of the 11th June, 1790, being declared liable to an action for damages in the Dewanny Adawlut, the judges to receive all plaints of such exactions, and determine the same within ten days, or as soon as may be practicable; and on proof, to decree the amount to be refunded, with damages equal to double the amount, and all costs of suit, as well as a heavy fine to Government, and if the property of the offender be insufficient to make good the amount, the Court may commute the fine to imprisonment.

12th.

Adjustment of Sayer deductions and compensation to be left to the revenue officers, subject to the confirmation of the Governor General in Council—the Courts of Judicature not to take cognizance of such claims, unless payment of compensation adjudged be withheld—but if withheld pursuant to the orders of Government or the Board of Revenue, the judge, previously to proceeding in the suit, to forward the petition to the Governor General

1793	SECTIONS	REGULATION XXVII.
Sayer.	See Regulation II, 1814.	General in Council as directed by Section 11, Regulation III, 1793, (D.) who, if he shall deem proper, will afford redress without bringing the suit to trial—suits against Government, under this Section, to be *defended by the Collector*, who, if cast, is to report to the Board, that the decision may, if proper, be appealed.

Rescinded

1793 | SECTIONS | REGULATION XXXIII.

For the repair of embankments, &c.

Section 2d to 7th.	Rescinded by Section 2, Regulation VI, 1806.
8th.	Advances to be issued to land-holders and farmers for repairing or making embankments, reservoirs, or water-courses.
9th. See Section 2, Regulation XLVI, 1795.	Applications for advances to be made to the Collector, and if not a proprietor of land, to give security, but if a proprietor, the *land to be answerable.*
10th.	Engagements to be executed by persons receiving advances, and their sureties.
11th.	Collector to transmit applications to the Board of Revenue, who are empowered to authorize the Collector to make the advance required; under a penalty, in case of failure to execute the work.
12th.	Survey and report of the work to be made, and sent to the Collector by the Tehseeldar, or other Government officer on the spot; and if not executed according to engagement, the Collector to levy the penalty.
13th.	Reports to be made by the Collector to the Board of Revenue respecting the progress and completion of works authorized.
14th.	Board of Revenue empowered to receive applications for advances, and to order them to be complied with.
15th.	And in certain cases may extend the period allowed for completing any work.

Allumgah

1793 | SECTIONS | REGULATION XXXVII.

For trying the validity of titles to rent-free lands under Badshayee Grants.

Sec. 2d. C. 1st. See Regulation XII, 1805, Regulation V, 1813, Regulation II, 1819.	Allumgah, Jughire, Ayma, and Muddadmaush, or other Badshayee grants made and possession of obtained previous to the 12th August 1765, and since held, declared valid—but if possession not so obtained, or if since resumed, the grant invalid.
C. 2d & 3d. See Section 8, Regulation XIV, 1805. (D.)	Corresponding with Clauses 2 and 3, Section 2, Regulation XIX, 1793, but applicable only to Badshayee grants.
C. 4th.	No part of the preceding Clauses to entitle the heirs of persons, so possessing exempted lands under Badshayee life grants, made previously to the Dewanny, to hold such lands exempt from the payment of revenue on the death of the present possessor.
C. 5th.	The present possessors of such life grants prohibited transferring them, or mortgaging the revenue beyond the period of their own lives.
3d. C. 1st and 2d.	Corresponding with the provisions in Clauses 1 and 2, Section 3, Regulation XIX, 1793.
4th.	Questions regarding the proprietory right to land included in any Badshayee grants to be determined in the Dewanny Adawlut.
5th.	Collectors to attach the revenue of lands in escheated grants, reporting

For trying the validity of titles to rent-free lands under Badshayee Grants.

See Regulation I, 1816 and Regulation III, 1822.

reporting to the *Board of Revenue,* who are to obtain the orders of Government regarding the resumption of the grant.

6th.

Lands included in resumed or expired Badshayee grants to be assessed, and the revenue to be paid by the proprietor according to the Regulations or the Decennial settlement, contained in Regulation VIII, 1793.

7th. to 9th.

Rescinded by Clause 2, Section 2, Regulation II, 1819.

10th.

Corresponding with Section 15, Regulation XIX, 1793.

11th.

Rescinded by Clause 2, Section 2, Regulation II, 1819.

12th and 13th.

Corresponding with Sections 17 and 18, Regulation XIX, 1793.

14th.

Rescinded by Clause 2, Section 2, Regulation II, 1819.

15th.

Allumgah, Ayma, and Muddadmaush grants, to be considered hereditary—those and other hereditary grants, which are declared valid by this Regulation, or which may be confirmed by Government, may be transferred by gift, sale, or otherwise—persons succeeding to such grants to *register their names in the Collector's office,* within six months; but no transfer to preclude the land from assessment if the original title prove invalid—Jaghires to be considered

See Section 21, Regulation VIII, 1800, and Section 9, Regulation V, 1813, and Regulation II, 1819,

considered as life tenures only, and to expire (unless otherwise expressed in the grant) with the life of the grantee.

Badshayee grants.

16th. C. 1st & 2d. Corresponding with Clauses 1 and 2, Section 21, Regulation XIX, 1793.

17th. to 41st. Ditto ditto, Sections 22 to 46, Regulation XIX, 1793.

42d. This Regulation not to apply to grants not Badshayee.

Judicial

1793 | SECTIONS | REGULATION XXXVIII.

What loans of money by covenanted servants prohibited.

Section 2d. Judicial and revenue officers, and all covenanted servants of the Company, prohibited lending money to proprietors or farmers of land or their under-tenants—such loans not recoverable in any Court of Judicature.

3d. Europeans now possessing, or who may hereafter purchase, rent, or occupy lands, without the sanction of the Governor General in Council, liable to be dispossessed at his discretion.

4th. Europeans who are not prohibited lending money to proprietors of land, &c. on mortgage of an estate or a lease, not to be allowed to have possession of the land, or to have any concern in the collections.

5th. Collector to depute an officer to measure the ground which the Governor General in Council may permit an European to hold, and to report when any Europeans may possess themselves of land, without authority.

6th. Annual statement of lands held by Europeans to be sent by the Collectors to the Board of Revenue by the 1st of January.

Rescinded

1793 | SECTIONS

Invalid Establishment.

Sections 2d to 32d.

33d C. 1st to 14th.

See Section 27, Regulation I, 1804, Regulation II, 1811, and Regulation XII, 1814.

REGULATION XLIII.

Rescinded by Regulation I, 1804.

Rules respecting the selection and assignment of lands to invalids, the issue of Sunnuds, the succession of heirs of invalids to their Jaghire lands, and gratuity in money to invalids and general superintendance of the establishment.

Rescinded

1793 | SECTIONS | REGULATION XLIV.

Effect of sales for arrears of revenue on existing engagements.

Section 2d.	Rescinded by Section 2, Regulation V, 1812.
3d and 4th.	Ditto by Section 3, Regulation XVIII, 1812.
5th. See Section 3, Regulation III, 1796, Sections 9 and 14, Regulation I, 1801, Sections 4 and 5, Regulation V, 1812.	On a sale of lands to realize arrears of public revenue, *all engagements* subsisting between the proprietors and their dependant Talookdars, farmers, or Ryots, (excepting those specified in Sections 7 and 8) *to be null and void.*
6th. See Section 14, Regulation I, 1801, C 2, Section 3, Regulation XVIII, 1812.	This Regulation not to prohibit proprietors from disposing of any part of their lands *as a dependant Talook.*
7th.	Nor to effect the Jumma of the Talookdars which has been declared fixed by Section 51, Regulation VIII, 1793.
8th. See Section 2, Regulation V, 1812, Section 2, Regulation XVIII, 1812.	Nor to prohibit *grants of leases* for any term of years (except to Europeans,) for the purpose of erecting buildings, manufactories, gardens, &c.

Copy

For sale of lands in satisfaction of decrees of court.

Section 2d. See Regulation I, 1816, and Regulation III, 1822.

Copy and translation of decrees to be enforced by a sale of Malgoozaree lands, to be transmitted by the judge to the *Board of Revenue.*

3d. See Section 30, Regulation VII, 1799, and Regulation XI, 1822.

The Board to proceed without delay to the sale of such lands of the party as may suffice to make good the amount, and will cause the sale to be made at the presidency, or in the Zillah, as may be most advantageous to the proprietor, *reporting to Government* all orders for such sales.

4th.

Jumma to be apportioned in lands sold conformably to Section 10, Regulation I, 1793.

5th. See Section 3, Regulation VII, 1799.

Board of Revenue empowered to direct the Collector to *attach* the lands ordered to be sold.

6th. See Section 6, Regulation V, 1798.

The *expenses of attachment* and sale to be defrayed by the proprietor.

7th. See Section 5, Regulation V, 1812.

The proprietors of lands may appoint officers to keep counterparts of the attaching Aumeens' accounts, and Aumeens to collect according to existing engagements, or according to *the established rates and usages of the Pergunnah* where no engagements exist.

Rules in the preceding Section applicable to Tehseeldars or other officers appointed to take charge of lands ordered to be sold.

Persons

REGULATION XLV.

For sale of lands in satisfaction of decrees of court.

9th.

Persons resisting the attaching officer to be proceeded against by the Collector as directed in Regulation XIV, 1793, against persons who may resist process issued under Section the 5th of that Regulation; and all the rules in the said Regulation regarding resistance of process, applicable to persons resisting any attachment issued under Section 5 of this Regulation.

10th.
See Sections 28, and 29, Regulation XII, 1817.
See C. 1, Section 29, Regulation VII, 1799, Section 8, Regulation I, 1801, Section 2, Regulation XI, 1822, and Section 32, Regulation XII, 1817.

Proprietors or farmers who may *not attend the Aumeen, or depute an agent duly empowered, with the accounts and information* necessary to the *adjustment of the Jumma, liable to a daily fine* at the discretion of the Board of Revenue, *reporting the amount for the confirmation* of the Governor General in Council—the fine to be levied by the same process as for recovery of arrears of revenue.

11th.
See Section 22, Regulation XII, 1817.
See Section 2, Regulation XII, 1817.

Proprietors and farmers liable to the same penalty for omitting or refusing to cause *the attendance of the Putwaries* with accounts necessary for the adjustment of the Jumma, as well as other Zemindary officers where assistance may be required on receiving a written requisition from the Collector for that purpose agreeable *to Section 62, Regulation VIII*, 1793.

Public

For sale of lands in satisfaction of decrees of Court.

12th.

See Section 29, Regulation VII, 1799, and Section 10, Regulation 1, 1801.

Public notification of the sale to be made one month previously to the day of sale, and conditions of sale specified in Sections 13 and 14, to be notified by a publication three days prior to the sale.

13th.

See Regulation XII, 1796, and Sections 2 and 14, Regulation XI, 1822.

A deposit of *5 per cent.* to be made by the purchaser at the time of sale: to be forfeited in case of failure to make good the purchase money, and the lot to be re-sold at the risk of the first purchaser, for any deficiency arising from such re-sale, any profit to be carried to the credit of the proprietor.

14th.

See C. 2 & 3, Section 14, Regulation XI, 1822.

Any purchaser *omitting to make the prescribed deposit*, or failing to make good any deficiency or expense arising from the re-sale, after being served with a written demand for the amount, similar to that prescribed by Section 3, Regulation XIV, 1793, to be proceeded against as by process for the enforcement of decrees of Court.

15th.

Purchasers not responsible for arrears or suspensions of revenue unless otherwise stipulated; such arrears to be paid from the proceeds of the sale or recovered from the property, or by arrest of the person of the former proprietor to whom arrears due from under-tenants prior to the sale, to be recoverable by a suit in the Dewanny Court.

16th.

The Courts empowered, by a precept to the Collector, to countermand or postpone any sale of lands, ordered to be made in satisfaction of

For sale of lands in satisfaction of decrees. of Court.

of a decree; either in the decree being satisfied, or other sufficient cause existing, which is to be stated in the precept; and if the sale be postponed, the Court may fix a date for the sale of the lands, and the revenue authorities to conform to such requisition of the Court.

17th. The rules in the preceding Sections, applicable to lands held exempt from the payment of public revenue.

18th. Transfers of lands sold under this Regulation to be registered in the Collector's office, as prescribed in Regulations XIX, XXXVII, and XLVIII, 1793.

Quinquennial.

1793 | SECTIONS | REGULATION XLVIII.

For forming a quinquennial register of Malgoozaree lands.

Section 2d. C. 1st. See Regulation VIII, 1800.

Quinquennial register to be prepared of estates paying revenue to Government, and of the Jumma assessed on each estate.

C. 2d See Section 13, Regulation VIII, 1800.

By the term *estate* is to be understood any land subject to the payment of public revenue, for which a separate engagement may have been entered into with Government.

3d. Names of estates to be arranged in alphabetical order.

4th. Estates to retain their present names.

5th. Estates, the names of which are varied upon a change of proprietors, to retain their present names.

6th. Proprietors to name their estates in the event of their not having been distinguished by any particular name, or in failure, the Collector to name the estate.

C. 1st. Distinguishing appellations to be subjoined to the name of each estate.

C. 2d. Estates which form specific portions of Zemindarries, &c. to be stated under the general head of the original estate.

C. 3d. Such estates, if not specific portions, not to be registered under the head of the original estate.

Parts

Regulation XLVI.

Sections	
C. 4th.	Parts of the same estate in different Zillahs for which one engagement only has been given, to be registered as Kismuts.
See Sec. 11 & 12, C. 5th. Regulation VIII, 1800.	Names of the Pergunnahs, *villages*, &c. in each estate to be specified.
C. 6th.	For estates consisting of one or more villages, not comprising a whole Pergunnah, the name of the Pergunnah to be specified.
8th.	Jumma to be inserted opposite to each estate.
9th.	Names of the proprietors or farmers of every estate to be similarly inserted.
10th.	Quinquennial registers in the several Zillahs in Bengal, Behar, and Orissa, when to commence.
11th.	Registers to be numbered.
12th.	Size of the paper for the registers.
13th.	No register to be considered authentic unless paged and signed by the Judge of the Zillah.
14th.	Counterpart registers to be kept by the native record-keepers.

In

1793 | SECTIONS

REGULATION XLVIII.

Native Record Keepers.

For forming a quinquennial register of Malgoozaree lands.

15th. See Section 15, Regulation VIII, 1800.	In *what languages* the registers to be kept.
16th. See Section 14, Regulation VIII, 1800.	The manner in which mutations of property in the intervals between the forming of each quinquennial register, are *to be recorded.*
17th.	Documents to be furnished by Collectors of Zillahs from which separation may be made.
18th.	How separations and annexations altering the jurisdictions of the Courts are to be made known to them.
19th.	Further rules to be observed in keeping the register of intermediate mutations in property.
20th.	Counterpart of such registry to be kept by the native record-keepers.
21st.	How errors in the fair copy of the quinquennial register, and in the register of intermediate mutations are to be noted.
22d.	Similar rule with regard to the counterpart registers kept in the native languages.

Where

1793 | SECTIONS | REGULATION XLVIII.

For forming a quinquennial register of Malgoozaree lands.

23d. Where the titles to estates are disputed, the party in possession to be registered as proprietor.

24th. C. 1st. The Collectors to be furnished through the following channels with the necessary information for making the entries in the register of mutations of property.

C. 2d. The Zillah and City Courts are required by Section 9, Regulation IV, 1793, to transmit to the Collectors copies of decrees sent by the higher Courts to be enforced, relating to the proprietary right to Malgoozaree lands.

C. 3d. The Board of Revenue to furnish the necessary particulars regarding all such lands disposed of by them at public sale.

C. 4th. If sold by the Collectors, the information will be derivable from their own office.

See Reg. XIX, 1814. C. 5th. They will likewise superintend divisions of estates *under Regulation XXV*, 1793.

See Sections 20 and 21, Regulation VIII, 1800. C. 6th. And by Section 10, Regulation I, 1793—private transfers must be notified.

C. 7th. And the record-keepers required by Regulation XXXVI, 1793, to notify all transfers of landed property entered in their registers.

Proprietors.

1793 | SECTIONS | REGULATION XLVIII.-

For forming a quinquennial register of Malgoozaree lands.

25th. Proprietors, farmers, &c. liable to fine for omitting to furnish any information that may be required by Collectors for preparing the registers.

26th. Collectors to send duplicates of each quinquennial register to the *Board of Revenue—copies also to be furnished to the Courts of Justice.*

See Sections 15 and 16, Regulation VIII, 1800.

27th. The Courts, the Board of Revenue, and Collectors to be careful to preserve the old quinquennial registers, and registers of mutations.

28th. The Board of Revenue to prepare forms of the said registers.

29th. From what materials the registers, to commence with the year 1207, and every subsequent register, to be framed.

30th. All person at liberty to sue for any landed property registered in the name of another.

Court

1793 | SECTIONS | REGULATION L.

Powers vested in the Court of Wards.

Section 2d — Court of Wards empowered to adopt such measures as they may deem expedient for the collection of the revenues when the produce of an estate of a disqualified proprietor may be insufficient to defray the expense of an establishment for its management.

3d. — Also empowered to invest female proprietors with the management of their estates, when deemed qualified for the charge, reporting to Government any instance in which they may exercise this power.

4th. — Female proprietors in such case to execute engagements as other proprietors.

5th. — Court of Wards empowered to direct that the accounts of managers of an estate situated in different Zillahs, be rendered to the Collector, in whose Zillah the principal part of the estate may be situated.

6th. — Court of Wards may commit to the charge of one manager small estates which are contiguous.

Proprietors

1794	Sections	Regulation III.
Exempting proprietors of land from confinement for arrears.	Section 2d.	Proprietors and farmers of land to pay the Kist of each month into the Collector's treasury by the 1st of the ensuing month, without waiting for *its being demanded.*
	See C. 1, Section 3, Regulation XI, 1822.	
	3d.	Proprietors of land not liable to be confined for arrears of revenue, except in cases specified in Section 14.
	4th to 7th.	Rescinded by Section 22, Regulation VII, 1799.
	8th.	Sums advanced to proprietors for purposes specified in Section 40, Regulation XIV, 1793, to be recovered as arrears of revenue.
	9th to 10th.	Rescinded by Section 22, Regulation VII, 1799.
	11th.	Rescinding Sections 9, 10, 11, 14, and 22, Regulation XIV, 1793; and proprietors and farmers bound to discharge all sums that may be demanded by a Collector, on the part of Government, in the manner prescribed by Section 3, Regulation XIV, 1793, under pain of being proceeded against for such sums as arrears.
	12th.	If a Collector shall demand any sum of money from a proprietor or farmer, on account of arrears of revenue, in the manner prescribed by Section 3, Regulation XIV, 1793; and the alleged defaulter shall deny, by a writing, addressed to the Collector, the justness of the whole or a part of the demand, but to stay further process, shall comply

DEMANDS MAY BE CONTESTED.

comply therewith: he shall be at liberty to sue the Collector in the Dewanny Court for the recovery of the sum which he may consider to have been unjustly taken, and if proved not to have been due, the plaintiff to recover the principal, with interest at 12 per cent. to be paid from the treasury of the Zillah—*the rules in Regulation XIV*, 1793, respecting suits instituted against a Collector for sums received on the part of Government, applicable to suits *instituted under this* Section.

See Regulation XVII, 1813, and Regulation II, 1814.

TEHSEELDARS.

13th.

Tehseeldars and other officers appointed to collect the revenue, *to demand* payment of arrears by the same process as prescribed in Section 3, Regulation XIV, 1793; and if a defaulter shall not discharge the arrear within the time allowed, the Tehseeldar *to report the amount to the Collector*, who will recover the same by the process prescribed against proprietors paying immediately into the treasury of the Zillah.

See C. 2, Section 23, Regulation VII, 1799.

CONFINEMENT OF PROPRIETORS.

14th.

Proprietors of land liable to confinement for arrears of revenue, if the sale of their lands shall *not be sufficient to liquidate the balance due*, or if no bidders shall offer for the lands when put up to sale,—when a Collector

See C. 5, Section 23, Regulation VII, 1799.

Collector may confine a proprietor under this Section, in the manner prescribed by Regulation XIV, 1793, he is to report the circumstance to the Board of Revenue.

SECURITY OF OFFICERS OF COLLECTOR.

15th. Collectors to take security for the personal appearance of all officers, in the revenue department, employed under them—when an officer removed or resigning, shall have *delivered an account of the charge intrusted to him*, the Collector to grant him an acquittal or release.

See Regulation II, 1813.

RECOVERY OF PUBLIC MONEY OR ACCOUNTS.

16th. Collectors to demand, in writing, the surrender of any *public money*, accounts, or papers, withheld by any of their officers—on failure to comply with the requisition, the Collector to apprehend and convey the party to the Dewanny jail; and the Judge to detain him in confinement until the sum demanded shall be discharged, or the papers required, shall be delivered up—the property of such persons also liable to attachment by the Collector—how attached if situated on another Zillah—the Board of Revenue may order it to be sold—in the event of the death of the defaulter, the surety to be exonerated, and his heirs proceeded against by a civil action—the suit to be carried on at the public expense, under the rules in Regulation XIV, 1793.

See Sections 2 and 3, Regulation II, 1813.

In

1794	Sections	Regulation III.
Recovery of public money or accounts from officers of the Collector.	17th.	In the event of such public officer absconding, the Collector to proceed in like manner against his surety.
	18th.	Collector in what manner to proceed against the surety, in the event of a public officer absconding without having adjusted his accounts, or omitting or refusing to attend for that purpose; or he may cause the absconding party to be apprehended—the Collector not liable to pay damages, if on inquiry it shall appear that no money was due, or appears in possession of the party.
	19th.	Public officers, or their sureties, confined under the above Section, shall be released on denying the justness of the demand, and giving good security to institute a suit to try the same within fifteen days, as well as for all costs and damages that may be awarded against them.
	20th. See Regulation II, 1814. D.	Or may *sue the Collector* while under confinement.
	21st.	Collectors to appoint an authorized Vakeel of the Court to defend suits instituted against them, under this Regulation; and the rules in Regulation XIV, 1793, regarding suits instituted against Collectors

1794. Revenue Suits.

Sections	Regulation III.
See Regulation XVII, 1813, and Regulation II, 1818.	Collectors for sums demanded or received by them on the part of Government *applicable to such suits.*
22d. See Section 13, Regulation VII, 1799, C. 4, Section 3, Regulation II, 1814, (D) and Section 8, Regulation VIII, 1816, (D.)	The Courts to allot *one or more days in the week* for the trial of those and other suits relating to matters of rent and revenue.

The

1794 | SECTIONS | REGULATION IV.

Rules relative to Pottahs.

Section 2d. — The rules in Sections 54, 56, 57, 58, 59, and 61, Regulation VIII, 1793, not applicable to that portion of Zillah Ramghur which is situated in Behar.

3d. — Qualification of Secton 62, Regulation VIII, 1793, regarding the district abovementioned.

4th. See Sections 2 and 3, Regulation V. 1812. — Further period allowed for distributing *Pottahs* in the Zillah of Purneah and in the Zemindary of Nuddea.

5th. See Section 3, Regulation V, 1812. — In cases in which Ryots refuse to receive the *Pottahs prescribed*, a notification that Pottahs will be granted, affixed throughout the estate of the land-holders, to be considered a legal tender.

6th. See Section 3, Regulation V, 1812. See Section 5, Regulation V, 1812. — The approbation of the Collector required by Section 58, Regulation VIII, 1793, *is to extend to the form only*—any dispute regarding the rate of Pottahs to be determined in the Dewanny Adawlut, according to the *rates* established in the Pergunnah for lands of the same description.

7th. — No proprietor entitled to increase the rates on renewal of Pottahs, which may expire or become cancelled under Regulation XLIV, 1793, exceeding the above standard; and Ryots may demand renewal of Pottahs at that rate, in the same manner as they may demand a Pottah by Regulation VIII, 1793.

Rescinding

1795 | SECTIONS | REGULATION XXXV.

Distraint and sale for recovery of arrears of rent.

Section 2d. Re-enacted by Sections 15 and 16, Regulation V, 1812.

Rescinding Sections 9 and 10, and part of Section 8, Regulation XVII, 1793.

3d.

Distrainers may affix only their signature to writings for attachment of property noticed in Section 8, of the above Regulation, instead of both seal and signature as therein prescribed.

4th.

Rescinding Section 22, Regulation XVII, 1793, and the following Section substituted.

5th.

See Sections 6 and 7, Regulation VII, 1799.

See Section 4, Regulation VII, 1799, Sections 18 and 19, Regulation V, 1812.

Prescribing rules for the sale of distrained property, both on the part of the distrainer *and Cauzy who superintend the sale*—any person vested with powers of distraint, selling or disposing of distrained property in any other manner than *herein prescribed*, to forfeit the arrear and make good the value of the property sold, with all costs of suit to the plaintiff.

6th.

Rescinding Section 26, Regulation XVII, 1793, and the following rule enacted in lieu of that Section.

7th.

Property to be paid for in ready money at the time of sale, and no property to be carried away unpaid for—to be re-sold if the purchaser fail in payment within five days, and the defaulting purchaser liable

Distraint and Sale.

liable to pay a penalty of 10 per cent. to the distrainer, and make good any loss arising from re-sale.

8th. See Regulation XXIII, 1814, D. and Section 6, Regulation VII, 1799.

Native commissioners appointed under Regulation XL, 1793, authorized and required to dispose of property under the rules for *Cauzies* prescribed by Regulation XVII, 1793, but no person vested with the power of disposing of distrained property, to sell for arrears due to himself.

9th to 20th.

Superseded by Section 14, Regulation VII, 1799.

Collectors

1795 | SECTIONS

For granting to Collectors a commission on resumed Lands.

REGULATION LVIII.

Section 2d. Collector to receive a commission of 25 per cent. on the Jumma of lands adjudged liable to the payment of revenue under Section 26, Regulation XIX, 1793, and Section 23, Regulation XXXVII, 1793.

3d. Judges of the Zillah and City Courts to transmit to the Collectors copies of decrees which they may pass, or which may be sent by the superior Courts to be enforced, in which the right to, or property in lands, exempt from the payment of public revenue may be altered.

4th. The decrees regarding Malgoozaree land, which, by Section 9, Regulation IV, 1793, the judges are directed to transmit copies of to the Collectors and Board of Revenue, are such only as affect the proprietory right in or possession of land.

To

1796 | SECTIONS | REGULATION III.

Court of Wards.

Section 2d.

To prevent Landholders availing themselves of Regulation X, 1793, by transfer of their estates to their minor sons, in order to bring them under the jurisdiction of the Court of Wards, and thereby preclude the sale of the estate for arrears—The ordinary jurisdiction of that Court is declared to extend only to such estates as may devolve to disqualified proprietors in the regular course of inheritance.

3d.

See Section 9, Regulation 1, 1801, and Sections 4 and 5, Regulation V, 1812.

Leases of under farmers, part only of the lands included in which are sold for arrears of revenue, declared *cancelled* under Section 5, Regulation XLIV, 1793.

Lands

Section 2d.

See Section 6, Regulation I, 1801, and Section 2, Regulation XI, 1822.

Lands put up to sale for recovery of arrears of revenue, or in satisfaction of a decree of Court, are to be selected with reference to the amount to be recovered, and are to be as *nearly proportioned in value thereto* as may be practicable.

3d.

See Section 7, Regulation I, 1800, and Section 2, Regulation XI, 1822.

See Section 2, Regulation XIX, 1814.

In cases of public sales, lands separately assessed to be sold in distinct lots, or if not so assessed, if the lands be of considerable extent and easily divisible into distinct lots, *this rule to be observed*, due regard being had to the provisions in Section 10, Regulation I, 1793, *and Section* 8, *Regulation XXV*, 1793—but no division of an estate into lots to be made, unless advantageous to and conformable to the wishes of the proprietor.

4th.

In cases in which lands may be sold in separate lots, no more lots to be put up to sale than may suffice to make good the amount to be realized; but if the amount bid for any lot shall exceed the sum due, the entire lot to be sold, and the excess to be paid to the proprietor.

5th.

See Section 25, Regulation V, 1812.

The same rule to be observed in all cases of land being put up to sale in one lot, whether the *proceeds of the sale shall exceed* or fall short of the amount due.

Rescinding

1796	Sections	Regulation VII.
Disqualification of landed Proprietors.	Secuon 2d.	Rescinding such parts of Section 22, Regulation VIII, 1793, and C. 4, Section 5, Regulation X, 1793, as relate to the disqualification of landed proprietors on the ground of profligacy of character, and all parts of the said Regulation having reference thereto.
	3d.	No persons to be disqualified on such grounds, and all proceedings of enquiry to be stopped.
	4th.	The cases of persons previously disqualified reserved for the consideration of Government, and the Board of Revenue to report all such cases.
	5th.	The settlement of lands restored to proprietors under this Regulation to be made according to Regulation VIII, 1793.

A deposit

1796	Sections	Regulation XII.
Deposit on Purchase of Lands.	Section 2d.	A deposit of 15 per cent. instead of 5 per cent. to be made by purchasers of lands at public sale, subject to forfeiture in case of the purchase money not being discharged by the stipulated period.

Fees,

1797 | SECTIONS | REGULATION XV.

For levying Fees to defray the expense of the Revenue Record Offices.

Section 2d. C. 1st. Fees, according to the following rates, to be levied by Collectors on the registry of union or division of estates or lands.

C. 2d. On estates subject to the payment of public revenue 4 Annas per cent. on the annual Jumma.

C. 3d On lands exempt from the payment of public revenue, 2½ per cent. on the annual produce of the property included in the union or division.

3d. C. 1st. Fees, according to the following rates to be levied on the registry of transfers of lands by deed of gift, sale, or otherwise.

C. 2d. If the lands be subject to the payment of revenue, 4 Annas per cent. on the annual Jumma.

C. 3d. If exempt from the payment of revenue, 2½ per cent. on the amount annual produce of lands transferred.

4th. Explanation of the terms annual Jumma payable to Government, and annual produce of lands exempt from the payment of revenue —proprietors bound to produce accounts necessary to ascertain the amount

For levying Fees to defray the expense of the Revenue Record Office.

amount produce under penalty of a daily fine until produced—the amount of the fine to be regulated at the discretion of the Board.

5th. Payment of fees and fines levied under this Regulation to be enforced by the same process as for realization of arrears of revenue.

6th. Fee payable under this Regulation not to exceed Rupees 100 for any registry of division, union, or transfer of landed property.

7th. Fees payable under Section 2d to be paid by the party who are liable to the charge of division under the rules prescribed in Regulation XXV, 1793, or Regulation XXVI, 1795—or if the lands be exempt from the payment of revenue, the fees to be paid by the parties, in whose names the property may be registered, in proportion to their respective interests therein.

8th. The fees on transfers of landed property, to be paid by the party to whom the property may be registered.

9th. All sums received by Collectors under this Regulation to be carried to the account of Government, and the Collectors to grant receipts.

Powers

Sections	Regulation VII.
Section 2d. See Section 14, Regulation V, 1812.	Powers of distraint for arrears of rent, may be delegated to an agent, who may *levy distress*, subject to his own responsibility in addition to that of his principal for any wilful deviation from the Regulations—but except such deviation be wilful, no penalty to be adjudged by the Court, but merely satisfaction for actual damages, and not that, if the distrainer shall have tendered amends.
3d.	Part of Section 5, Regulation XVII, 1793, rescinded, and under-tenants to be considered defaulters for rent withheld beyond the day on which it may have been payable, either by their engagements, or (where none exist) by established usage—for all such arrears not paid on demand, immediate distress may be levied—also on the property of the surety; but distress must not be excessive, in proportion to the arrear; not to be levied on the property of the surety, until payment of the arrear has been ineffectually demanded from the defaulter, if he be forthcoming.
4th.	Instead of 15 days notice, as prescribed by Section 8, Regulation XVII, 1793, and Section 5, Regulation XXXV, 1795; after notice has been given to the defaulter of the demand and intention to distrain,

SECTIONS

REGULATION VII.

See Section 15, to 19, Regulation V, 1812.

distrain, *an inventory of property may be transmitted to the nearest officer authorized to sell distrained property, with a written request that he will cause the same to be sold*—the sale to be made as early as possible after the expiration of five days, from the date of attachment—notice to be given to Commercial Residents and Salt Agents as soon as possible after attaching the property of Weavers or Molungees; and previous to proceeding to a sale, a sufficient time to be allowed to satisfy the demand—notice may also be given to a native superintending agent of a factory or Salt Chokey.

5th.

Commission of 1 Anna on the Rupee to be drawn by officers authorized to sell distrained property on the amount proceeds of the sale; and such officers liable to dismissal and further penalties for misconduct or collusion with the distrainer.

6th.

No Cauzies but such as are also commissioners, under *Regulation XL*, 1793, authorized to sell distrained property—*Commissions to be granted by the Judge of the Zillah Courts.*

See Section 2d, and C. 1st. Section 3, and Section 55, Regulation XXIII, 1814, D.

FORM OF COMMISSION.

7th.
Ditto ditto.

Commissioners for the trial of suits, and Tehseeldars appointed by Collectors

Sections	Regulation VII.
	Collectors to be considered commissioners for the sale of distrained property in virtue of their office, and need no commission—the same rule to be observed in the *appointment and renewal* of commissioners under Section 6th, as under *Regulation XL*, 1793, *for the trial of suits.*
See Sections 2 and 6, Regulation XXIII, 1814.	
8th.	Judges of the Cities of Dacca, Patna, and Moorshedabad, authorized to appoint Commissioners for the sale of distrained property within their respective jurisdictions.
9th.	In addition to the penalties prescribed in Section 19, Regulation XVII, 1793, for resistance of distraint for arrears of rent—offenders liable to damages equal to twice the value of the property rescued—and the offender, and all persons concerned, liable to be apprehended and prosecuted criminally for a breach of the peace—*Darogahs of Police how to act on information being lodged in such cases*—if any claimant to the property distrained shall appear from whom no arrear is due, he shall be entitled to recover the value of the property with costs and damages on establishing his claim in the Civil Court, but no claim to ground products attached, in possession of a defaulter to bar the prior claim of ground rent.
See Section 8, Regulation III, 1812, F. and C 2d. Section 2d. Section 27, Regulation XX, 1817, F.	

In

Sections	Regulation VII.
10th. See Section 27, Regulation XX, 1817, (F.)	In modification of Section 21, Regulation XVII, 1793, Distrainer may, *in the presence of a Police Officer*, force open the outer door of a dwelling house, in which he may have reason to believe that property liable to distraint is concealed; and with certain precautions may enter the Zenanah apartments to attach property; but liable to heavy damages for any neglect of the precautions or deviation from the mode of procedure herein prescribed.
11th. Ditto ditto.	Darogahs of Police, *on application, to depute a Police Officer* to be present at attachments for arrears of rent, who is to prevent resistance or breach of the peace.
12th.	The Courts to discourage unfounded and vexatious complaints preferred by under-tenants in the Foujdarry Court against officers employed in attachment or in the collection of rents, with a view to obstruct them in their duty—in all such cases Section 10, Regulation IX, 1793, to be strictly enforced—also, where witnesses, who are officers of the Collectors, are unnecessarily summoned in civil suits, an adequate allowance to be granted to them under Section 6, Regulation IV, 1793, and for such summons, if caused with intent to delay or obstruct the collections, the party summoning liable to a civil action for damages with all costs of suit.

Section

SECTIONS	REGULATION VII.
13th.	Section 34, Regulation XVII, 1793, and Section 22, Regulation III, 1794, to be strictly observed by the Civil Courts—Section 33, Regulation XVII, 1793, not to restrict *Commissioners from taking cognizance of suits of the description therein specified under Rs. 50, whether preferred to them in the first instance in capacity of Moonsiffs or referred by the Judge.*
See Section 3, Regulation XXIII, 1814, (D.)	
14th.	Sections 9 to 20, inclusive of Regulation XXXV, 1795, superseded, and the following provisions enacted in lieu thereof.
15th. C. 1st.	Any land-holder or farmer, to whom an arrear of rent may be due from an under-tenant, which cannot be realized by distress, may cause the arrest of the defaulter and his surety in the manner following.
C. 2d.	Petition of arrest is to be presented to the Judge of the Zillah, or (in case the defaulter shall be about to abscond) to the native Commissioner appointed under *Regulation XL*, 1793—what particulars to be set forth in the petition—the Commissioner to arrest the defaulter and his surety, and convey them within 24 hours to the Judge of the Zillah—to be dealt with as hereafter directed—in what cases the defaulter may be detained in custody by the Commissioner exceeding the period above limited.
See Section 2d. Regulation XXIII, 1814, (D.)	

If

SECTIONS

REGULATION VII.

See Section 4, Regulation II, 1805.

C. 3d.

If the *petition of arrest* be presented to the Judge in the first instance, a Dustuck to be issued by two Peons for the arrest of the party, who is to be conveyed to the jail, unless he pay the arrear demanded within 24 hours—but a further period may, in certain cases, be allowed for adjusting the demand, and the arrest to be withdrawn when the party, at whose instance it shall have been issued, shall declare himself in writing to be satisfied—*rate of Tullubana established in Section 3, Regulation XIV*, 1793, *to be allowed Peons.*

See Section 14, Regulation XXII, 1814.

C. 4th.

A summary enquiry to be made by the Judge on the party being brought before him, under either of the two preceding clauses—vouchers and accounts of the parties to be examined, or the Judge *may refer the case to the Collector for adjustment and report*, as authorized by Section 13, Regulation VIII, 1794.

See Regulation XIV, 1824.

If

SECTIONS

REGULATION VII.

C. 5th. If, from the result of the summary enquiry by the Judge or the Collector's report, no arrear shall appear to be due, or the demand shall have been wilfully mis-stated, the defendant to be discharged with full costs and damages, otherwise to be kept in close custody until he pay the arrear due with all costs and interest, or until the plaintiff make application for his release—*subsistence allowance* to be paid by the plaintiff to defendant whilst confined at his suite as fixed by Section 8, Regulation IV, 1793.

See Section 12, Regulation II, 1806, (D.)

C. 6th. On the confinement of a defaulter, under the above provisions, a proprietor or farmer, to whom the arrear may be due, *may attach his tenure*, and collect therefrom the arrears of rent due, with interest—but not to make any undue exactions of rent from the cultivators or under-tenants beyond what the defaulter would have been entitled to receive (cases of collusion or illegality excepted) and attachment to be withdrawn on payment of the arrear within the year, and an account of all collections and disbursements to be rendered to the defaulter.

See Section 18, Regulation VIII, 1819.

C. 7th. What further measures may be pursued by proprietors and farmers for

For the Realization of Arrears of Rent by Proprietors and Farmers of Land.

for the security of their future rents, if the arrears due to them from a defaulter confined be not liquidated within the current year—leases of under-farmers, if unexpired, may be annulled—dependant Talooks may be brought to sale on application to the Dewanny Court —or defaulting tenants, having a right of occupancy only, subject to the payment of a stipulated rent, may be removed from their tenures*, and engagemnts taken from others—for such purposes any application to the Courts unnecessary*; but in the exercise of such powers, land-holders and farmers to be responsible for any infringement of the rights of under-tenants, and liable to be sued for costs and damages for any violation of such rights.

C. 8th. The Courts of Justice in like manner to determine the rights of every description of land-holder and tenant when regularly brought before them, whether ascertainable by written engagements, or defined by the Regulations, or dependant upon general or local usage—but land-holders are permitted to summon and compel the attendance of under-tenants

* Query—Can an under-tenant be removed from his tenure without a judgment of the Court regular or summary, if he deny that he is a defaulter and refuse to quit his tenure? See Section 4 Regulation V, 1812.

For the Realization of Arrears of Rent by Proprietors and Farmers of Land.

under-tenants, for the adjustment of their rents, for the measurement of their lands, or any other legal purpose, subject to a penalty for any abuse of that power—the provisions for the execution of engagements and for granting receipts for payment of rent, contained in Regulation VIII, 1793, to be pointed out to the Zemindars, &c. by the Courts on all occasions—dependant Talookdars required to register in the Sudder Cutchery of the Zemindarry, all transfers by sale, gift, or otherwise—but the written consent of the Zemindar to be obtained to any separate distribution of Jumma payable to him without which the entire Talook to remain responsible.

16th. Persons confined under C. 5, of the preceding Section, may institute a regular suit to try the justice of the demand, and may recover full costs and damages from the party by whom they may have been confined—or if the demand shall have been discharged and afterwards found not due, the plaintiff shall be entitled to a similar judgment with interest.

17th. See Section 10, Regulation XIV, 1824. Claims rejected on a summary enquiry may be *regularly prosecuted* in the Dewanny Court, and judgment to be given if such claims be established on a regular suit.

Summary

SECTIONS	REGULATION VII.
18th.	Summary judgments under Section 15, not open to appeal—*institution fee, and fee on exhibits* not to be levied on summary processes —but the rules concerning *stampt paper* applicable.
See Sections 13 and 18, Regulation I, 1814, and Section 20, Regulation XXVI, 1814. (D.)	
19th.	Rules in the preceding Sections applicable to managers of estates of disqualified land-holders, and of joint undivided estates, as well as to officers of Government holding lands on attachment, or under Khas collections.
20th.	The foregoing provisions for the Zillahs to be in force in the Cities of Dacca, Patna and Moorshedabad, the provisions in Section 15, are also declared to extend as far as may be applicable to Mofussil Amlah, or native agents of land-holders or farmers employed in the collection of their rents, against whom such land-holders or farmers may have any demand for money or accounts embezzled or withheld, and such persons may be proceeded against by summary process *of arrest and confinement.*
See C. 2d, Section 4, Regulation II, 1805.	
21st.	Punctuality expected on the payment of the public revenues under the powers vested in land-holders, and with a view to which the following provisions are enacted.

Rescinding

1799 | SECTIONS | REGULATION VII.

Attachment of Lands for Arrears of Public Revenue.

22d.

23d. C. 1st.

Rescinding Sections 4, 5, 6, 7, 9, and 10, Regulation III, 1794.

Interest to be levied by the Collector on all arrears of revenue not paid on the day due—unless he shall see any reason to exempt the defaulter from such demand; in which case, report the circumstances *to the Board for orders.*

See C. 2d and 3d, Section 28, Regulation V, 1812.

See Section 2, Regulation XVIII, 1814, and C. 2d, and Section 7, Regulation XI, 1822, C. 2d.

See Section 2, Regulation I, 1801.

Requisition to be immediately made for the payment of any arrear of revenue which may be undischarged on the first day of the month succeeding that for which it may be due—*process, if the arrear be not paid with interest*—the estate, *or a portion thereof to be immediately attached*—farms to be attached, and farmers and their sureties to be arrested, as prescribed by Sections 5 and 6, Regulation XIV, 1793—but this rule not to supersede Section 13, Regulation III, 1794, with respect to proprietors or farmers of land paying their revenue to a Tehseeldar, or other Mofussil officer, who is thereby required to demand payment of any arrear, and to report to the Collector if the arrears be not liquidated.—If the Collector shall see reason to believe that

Attachment of Lands for Arrears of Public Revenue.

that the defaulting farmer or his surety is about to abscond, may issue process of arrest prescribed in Section 5, Regulation XIV, 1793, without the previous demand directed in *Section 3, Regulation XIV*, 1793, or, under like circumstances, the Tehseeldar may arrest the defaulter or his surety without the delay of the previous report prescribed by Section 13, Regulation III, 1794, and cause the parties arrested to be conveyed to the Collector, who may keep the defaulter in custody of Peons for the adjustment of the demand, not exceeding ten days, at the expiration of which period, if the demand be not discharged, the defaulter to be sent to jail.

See C. 1st, Section 3, Regulation XI, 1822.

C. 3d.

Attachments under the preceding clause to be withdrawn, if the arrear due, with interest, be discharged within the current year; in such case, an account to be rendered of all receipts and disbursements—during attachment all receipts from the attached lands, after payment of the establishment, entertained under Section 6, Regulation XIV, 1793, to be carried to the credit of defaulter during the current year, in discharge of the arrear and interest due from him—provisions in Section 6, Regulation XIV, 1793, to be in full force, except that the attaching officer is not to collect according to any engagements which are *evidently collusive*, but in such case to collect according to the *established*

See Section 4, Regulation V, 1812.

See Sections 5 to 10, Regulation V, 1812.

established rates of the Pergunnah, as in cases where no engagements exist—anticipation of rents prohibited in cases of attachment, and no credit to be allowed for any payments of rent which may be made after notification of attachment shall have been made, until such attachment shall have been withdrawn—proclamation of attachment to be publicly made throughout the attached lands.

C. 4th. Rescinded. Section 2, Regulation XII, 1817.

Accounts to be furnished by Putwarries in cases of attachment, and Collectors to enforce the appointment of Putwarries as required by Section 62, *Regulation VIII*, 1793—proprietors themselves to furnish accounts of small estates—defaulting proprietors and farmers of lands attached to furnish the Collector with any accounts required from them in their possession, and to cause their agents to attend the Collector at his office ; or will be *liable to a fine*, on the Collector's report to the Board, or imprisonment.

See Section 3, Regulation I, 1801, and Section 2, Regulation XI, 1822.

C. 5th.

Arrears due from land-holders at the close of the year to be reported

to

Recovery of Arrears of Revenue from Farmers.

See Sections 2, 3, and 6, Regulation XI, 1822.

to the Board of Revenue, *with a statement of lands for sale*, and any balance is to be liquidated from the defaulter's other property if the sale of lands shall not discharge the arrear; or by the eventual imprisonment of the defaulter.

C. 6th.

Arrears due from farmers at the close of the year, to be recovered by a sale of their property and that of their sureties, and the defaulters lease may be annulled, or may be held to his engagements, at the option of the Governor General in Council.—If the lease be annulled, the defaulter, after payment of the arrear due to Government, may sue for any arrears of rent due to himself on account of the period that his lease remained in force, provision *in Section 24, Regulation XIV*, 1793, *respecting the attachment of lands of sureties*, of farmers and proprietors to remain in force—and the rule extended to the landed property of defaulting farmers, subject to the provisions in this Regulation for withdrawing attachment on payment of the arrear.

See Regulation XVIII, 1814, and Regulation XI, 1822.

See Section 2, Regulation I, 1801, C. 7th.

Discretion allowed the Collector in cases of calamity of season by Section 8, Regulation XIV, 1793, to continue in force—the Board of Revenue,

Revenue, may suspend the demand of the current Kists, as well as the interest, but not at liberty to grant any ultimate remission of Jumma without the sanction of the Governor General in Council as directed in Section 43, Regulation II, 1793.

SUSPENSIONS OF KISTS.

C. 8th. Superseded by C. 1st, Section 6, Regulation XI, 1822.

The Governor General in Council reserves the power of ordering the sale of lands for the recovery of arrears of Revenue at any period within the current year.

RESISTANCE OF REVENUE PROCESS.

24th.

The provisions contained in Sections 15 to 21, Regulation XIV, 1793, against disobedience or resistance of process by defaulting proprietors, farmers or their sureties, applicable to cases of resistance to process authorized by this Regulation—but under the provision contained in Section 2, Regulation V, 1798, appeals to the Sudder Dewanny Adawlut from the judgments of the provincial Courts, to be limited to the amount of Rupees 5,000 instead of Rupees 1,000, as antecedent to the enactment of that Regulation.

25th.

When lands are attached by a Collector or held Khas under any Regulation authorizing the same, the Collector empowered to proceed against

Recovery of Arrears from defaulting Under-tenants.

against defaulting Under-renters or their sureties, in the same manner as authorized by Section 23d against Sudder farmers or their sureties —and in such cases may issue the process directed in Section 5, Regulation XIV, 1793, on report of the Tehseeldar; or the Tehseeldar may himself arrest the defaulter and convey him to the Collector agreeably to Section 23d.—But the Collector previously to delivering him over to the Judge for custody in the Dewanny Jail, may detain him under charge of peons until he shall ascertain whether the demand is just, although the time required should exceed ten days.

26th. Preceding Sections to apply to estates under the Court of Wards, Section 8, Regulation X, 1793, relating to the Selection of Serberrakars rescinded.—Managers of such estates to be hereafter selected by the Collector and approved by the Board without regard to their affinity to the proprietors; and the Collector to be responsible for their conduct.

27th. Restriction contained in Section 48, Regulation XIV, 1793, respecting the confinement of joint proprietors of estates under the charge

Modified, see Sections 2 & 3, Regulation XVII, 1805.

charge of the Court of Wards, as well as against the confinement of the persons of disqualified proprietors of every description *to remain in force.*

28th. Rescinded Section 2, Regulation XI, 1822.

All sales of land to be made according to the rules contained in Sections 26, 27, *and* 28, *Regulation XIV*, 1793, *and Regulation V. and XII*, 1796, and allotment of Jumma to be made conformably to *Section* 10, *Regulation I*, 1793, as well as in cases of transfer or division.

See Section 8, Regulation I, 1801.

29th C. 1st.

Section 10, Regulation XLV, 1793, extended to the production of accounts required by the Collector *for the allotment of Jumma* in cases of sales of land for the recovery of arrears of revenue, and landholders or farmers responsible for the fidelity and accuracy of accounts delivered by themselves or their agents, under the *prescribed penalties for any fabrications or alteration* with their connivance.

See Section 8, Regulation I, 1801,

See ditto ditto, and Section 5, ditto, Section 2, Regulation XII, 1817.

C. 2d to 5th.

Rescinded by Section 2, Regulation XI, 1822.

30th.

The Board of Revenue to conduct the sales of land under the Regulations—Points to be attended to by the Board—the Collectors to propose,

ATTACHING ESTABLISHMENT.

propose, and the Board of Revenue to approve establishments of officers to be employed during the attachment of the lands —the Collector not to propose larger establishments or allowances than necessary.—The Collectors also to nominate and the Board to approve the principal officers to be employed in the management of lands under attachment, with their sureties—and Collectors to be held responsible for the qualifications and character of persons so employed; or in charge of Khas collections.

REVENUE BOARD.

31st. The Board of Revenue to be guided in the execution of their duties by any special orders of the Governor General in Council, to whom they are to apply in all cases unprovided for by the Regulations; or may propose a new Regulation in the form prescribed by Regulation XLI. 1793.—Collectors also authorized to propose new Regulations to the Board of Revenue who are to forward the same to Government with their sentiments.

Zillah

1800 | SECTIONS | REGULATION I.

Appointment of Guardians to disqualified Land-holders by Zillah Judges.

Section 1st.

See Sections 26 and 27, Regulation V. 1812.

Zillah Judges authorized on certain cases, upon a report from the Collector *to nominate guardians* to disqualified Land-holders of joint undivided estates not subject to the authority of the Court of Wards.

2d.

Qualifications to be attended to in the selection of a Guardian; but not to be entrusted to the legal heir of the ward—or other person interested in outliving him.

3d.

Compensation to the guardian for his trouble, when necessary, to be fixed by the Judge.

4th.

Guardians so appointed to be furnished with commissions, and to give security for their appearance also to execute an obligation.

FORM OF OBLIGATION.

5th.

Rescinded by Regulation XVII. 1805.

Duties to be performed by guardians in regard to the ward—to vote in the *election of a manager for a joint estate conformably to Sections 23 and 24, Regulation* VIII. 1793.

6th.

Estates under charge of a manager elected under this Regulation, liable to be sold for arrears of revenue.

Persons

1800	SECTIONS	REGULATION I.
	7th.	Persons aggrieved by any act done by a Judge under this Regulation, may petition the Judge, or the Sudder Dewanny Adawlut,—and the Judge to certify his proceedings to that Court with English translations.

Collectors

1800 For Forming a General Pergunnah Registry of Lands.

SECTIONS	REGULATION VIII.
Section 2d.	Collectors to form a Register of all lands in their respective districts of whatever description, to be denominated 'Pergunnah Register of lands Malguzaree and Lakhrage'.
3d C. 1st.	The Register to contain a distinct head for each Pergunnah or such other local division as may be established.
C. 2d.	The Register of each division to be divided into two parts, for Malgoozaree and Lakhraje lands.
See C. 1st Section 9, Regulation XV, 1816, C. 3d.	Specification of *particulars* to be contained in the Malgoozaree part of the Register.
C. 4th.	Specification of particulars to be contained in the Lakhraje part of the Register.
4th.	The first general Pergunnah Register to be prepared for 1207, the second to be prepared at the commencement of 1212—and subsequently, at the commencement of every fifth year.
See Sections 10 and 11, Regulation XII, 1805.	
5th.	Intermediate Pergunnah Registers to be kept for recording all alterations between the periods prescribed for forming the general Registers—

SECTIONS

REGULATION VIII.

Registers.—But no transfer or division to be Registered until the Jumma has been allotted in conformity with the provisions in Section 10 Regulation I, 1793; nor any entry in the Register to affect the rights of Government.

6th. The Board of Revenue to furnish the Collectors with forms of Registers, which are to be kept in the Persian language by the native record keepers appointed under Regulation XXI, 1793; and each page to be attested by the Collector.—The intermediate Register not to be allowed to fall in arrear.

7th. From what materials the general Registers are to be prepared; and how the materials not already received are to be procured.—But Collectors are not to require information respecting the rents or measurement of Malgoozaree lands, or the rents of Lakhraje lands—such information being obtained only when occasional opportunities may offer under Khas management, attachment, or other such means.

From

Sections	Regulation VIII.
8th.	From what materials the intermediate Registers are to be formed —and any further requisite information to be procured as prescribed in the preceding Section.
9th.	Measures to be taken by Collectors to render their general Registers complete; and no change in the existing limits of Pergunnahs to be made without the previous sanction of Government; but this restriction not to preclude the Collector from re-annexing to their proper Pergunnahs and Mehals separated since 1197
10th.	Copies of entries on the Registers to be sent by one Collector to the other in case of lands being separated from one Zillah and annexed to another.
11th.	Certain parts of Regulations XIX, XXXVII, and XLVIII, 1793, and Regulations XIX, XLI, and XLII, 1795, respecting the specification of names of villages, or other sub-divisons, rescinded— and the names of Pergunnahs and number of villages only to be inserted in future Registers.—The Collectors to be careful that the names

names of Pergunnahs or local divisions and number of villages stated to be in each, are conformable to the Pergunnah Registers —any mistakes which may occur in the Registers are to be corrected in the manner prescribed in the Regulations above noticed.

12th. Further parts of the said Regulations respecting the insertion of the measurements and rents of lands rescinded.

13th. The term 'Estate' is hereby declared to mean any land subject to the payment of revenue, for which a separate engagement may have been executed to Government by the proprietor, or by a farmer, or which may have been separately assessed with the public revenue although no engagement shall have been executed to Government, as in cases of estates held Khas by a Sezawal or other officer on the part of Government; or managed by a Serberrakar for the benefit of a disqualified proprietor.

14th. All alterations in the annual revenue, with the particulars thereof,

to

to be inserted in the Register of intermediate mutations prescribed by Sec. XVI, Reg. XLVIII, 1793, and Reg. XIX, 1795.

15th. Such parts of Regulations XIX. and XXXVII. and XLVIII. 1793, and Regulations XIX. XLI. and XLII. 1795, as direct counterparts of the Registers to be kept in the Bengal and Hindostannee languages, and copies thereof to be furnished to the Courts of Justice, rescinded—and when the Courts may have occasion to refer to the Registers, may require from the Collectors the production of the original Registers, or an attested copy of the part required. The Board of Revenue in like manner, on the requisition of the Sudder Dewanny Adawlut, to furnish any Zillah Registers, or an attested copy of any part required. The Courts to report to Government the explanation given by Collectors for not having the Registers completed within the prescribed period, and Collectors, or acting Collectors taking charge, to ascertain whether the Registers have been duly prepared, and if not to report the same to the Board of Revenue for the information of Government.

16th. The copies directed by the above-mentioned Regulation to be sent to

Sections	Regulation VIII.
	to the Board of Revenue, shall be sent to the Accountant, who is to examine, and in certain cases to report thereon.
17th.	The Board of Revenue to furnish the Collectors with new forms of Registers adapted to the alterations above directed. Collectors to be regular in the transmission to the Accountant of the required Registers, and to propose officers to assist in the preparation of them, with a statement of the allowances deemed necessary—what further report respecting establishment to be submitted by Collectors to the Board of Revenue.
18th. Modified Section 15, Regulation V. 1804, (D.)	Board of Revenue to submit the necessary establishments to Government to be exclusively employed in preparing the Registers, and not to be removed *without the sanction of Government.*
19th.	Collectors to ascertain whether the publications prescribed by certain Regulations have been duly made, and after one year all unregistered land held exempt from Revenue to be assessed.
20th.	Notice required to be given to Collectors of the establishment of new

NOTICE OF ESTABLISHMENT OF NEW VILLAGES.

new villages, that the same may be entered on the public Registers or in default thereof, the village liable to forfeiture to Government

21st.

NOTICE OF SUCCESSION TO LANDS.

Notice also to be given to Collectors by all persons succeeding to landed property by inheritance or otherwise, what inquiry to be made by Collectors on receiving such notice, to ascertain the truth of the alleged succession previous to any entry in the Registers. Neglect to give such notice, or wilful misrepresentation in giving it to subject the offender to a fine.

CANOONGOES.

22d.
Re-established by Regulation IV. 1808, and Regulations II. & V. 1816, and Regulation I. 1818.

The Records of the late Mofussil *Canoongoes abolished*, to be delivered to the Collectors, and those of the Sudder Canoongoes and their Naibs to the Board of Revenue, who are to report to Government on the best mode of disposing of them.

Regulation

1800	Sections	Regulation X.
For preventing the Division of Landed Estates in the Jungle Mehals.	Section 2d.	Regulation XI. 1793, not to supersede or affect any established usage which may have obtained in the Jungle Mehals of Midnapore, &c. by which the succession to landed estates the proprietors of which may die intestate, has been considered to devolve *on a single heir*—to the exclusion of the other heirs of the deceased—In those Mehals the local custom to be in full force, and the Courts to be guided thereby in their decisions in cases of inheritance.
	See Section 36, Regulation XII. 1805.	

Collectors

SECTIONS

REGULATION I.

Section 2d.

Collectors not to attach the estate or farm of any proprietor or farmer for arrears in the three first months of the year current in the provinces, without the express sanction of the Board of Revenue on a report of the case to be made by the Collector, nor attachment to be *subsequently made without such sanction*, except in particular cases to induce speedy payment of the arrear, or to prevent misapplication of rents, or to obtain accurate information of the assets of the estate for purposes of selling a portion at the close of the year.—In such cases, the entire estate (and not a portion as directed in C. 2. Section 23, Regulation VII, 1799,) to be attached.—The exemption from attachment in the three first months of the year not applicable to attachments made in the preceding year, and continued after its expiration for the purpose of bringing the lands to sale.—The Collectors to *report to the Board* when they may deem it advisable to attach lands for arrears.—The Board may *levy a penalty of one per Cent. per mensem on the arrear* above the interest in lieu of attachment—the

See Sections 2 and 3, Regulation XI. 1822.

See Sections 2 and 3, Regulation XI. 1822.
See Section 28, Regulation V. 1812, and Section 11, Regulation XII. 1824.

SECTIONS

REGULATION I.

The Collectors to report to the Board all cases in which they may have reason to believe the arrear to be wilful or occasioned by misconduct or mismanagement, in like manner as required in cases specified in C. 7, Section 23, Regulation VII. 1799, which report is invariably to be made when attachment may be suspended on account of calamity of season after the expiration of the three first months of the year. But Collectors under the discretion of suspending attachment, carefully to ascertain the causes of arrears, so that neither the public interests suffer by unmerited indulgence, or private interests by undue severity.

3d. Rescinded by Section 2, Regulation XI. 1822.

4th. In cases of estates in balance being so small as not to pay the expense of attachment, the Board may cause the distress and sale of the personal property of the Defaulter,—to take place under the rules prescribed for the sale of property of under tenants by Regulation XVII. 1793, and Regulation VII. 1799, but the Collector not to exercise this power without the sanction of the Board, and the operation of this Section not to extend to Benares.

Rescinded

1801	Sections	Regulation I.
ALLOTMENT OF JUMMA ON PORTIONS OF ESTATES.	5th to 7th.	Rescinded by Section 2, Regulation XI. 1822.
	8th.	Section 10, Regulation I. 1793, to be strictly observed in all cases of public sale, or private transfer, or division, the Officer to whom the allotment of the Jumma on a partition of an estate may be committed, how to proceed *should he suspect the accuracy of the Putwarry accounts, or should they not be forthcoming*. But the Collector *not to fix the amount of assessment on a portion of an estate*, without the sanction of the Board. *The rules in clauses 3 to 8, Section 62, Regulation VIII.* 1793, *extended to all native Agents employed by Landholders in the management of their estates; who may be committed for perjury for swearing to fabricated or false accounts*, and to be excluded from future employment.
	Superseded Section 12, 1817. See Section 25, Regulation XIX, 1814.	
	Rescinded, See Section 2, Regulation XII, 1817.	
STATEMENTS OF LANDS FOR SALE.	9th. Modified Sections 2d, 3d, and 6th, Regulation XI. 1822. Ditto ditto.	*Collectors to submit statements of lands for sale, so that the sale may take place within the first or second month after the expiration of the year for which the arrear may be due.* In the event of lands being sold within the year *under C. 8, Section 23, Regulation VII.* 1799, the operation

DEMANDS FROM UNDER TENANTS.

operation of Section 5, Regulation XLIV. 1793, and Section 2, Regulation III. 1796, suspended, and the purchaser not to demand from an under tenant *more than the former incumbent could have legally demanded. But this provision not applicable to engagements evidently collusive,* nor in any case unless the sale shall have taken place after the second month of the year.

See Sections 4, 9, and 10, Regulation V. 1812.

ATTENDANCE OF PURCHASERS AT PUBLIC SALE.

10th.

Purchasers of land at public sale, or their authorized Agents to attend the Collector to execute the usual engagements. In any *cases of doubt as to the real purchaser* the Collector may cause the personal attendance of the purchaser at his Cutcherry, and is *to make any necessary enquiry, and report the result.* The Collectors are empowered to *cause the personal attendance of a landholder or other native inhabitant of his district,* when absolutely necessary, by a regular summons under his seal, but are not to require the attendance of a principal when that of an authorized Agent will be sufficient or will be subject to a prosecution for damages for any breach of this rule. *The summons issued* is to be regular, and to specify the purpose for which the attendance of the party is required.

See Regulation XI. 1822.

See Sections 18 and 19, ditto.

See Sections 29 and 31, Regulation XII. 1817.

POWER VESTED IN COLLECTORS.

See Section 32, Regulation XII. 1817.

Rescinded

1801	Sections	Regulation I.
Separation of Talooks how obtained.	11th to 13th.	Rescinded by Section 2, Regulation XI. 1822.
	14th.	All Talookdars, who may be entitled under Section 5, Regulation VIII. 1793, to a separation of their Talooks, to apply within one year from the date of this Regulation, subsequent to which no Talook will be considered separable, unless such application shall have been made: nor any Talook entitled to separation which may have been constituted such since the period of the decennial settlement. And no transfer or sale valid, unless notified to the Collector, and *the Jumma regularly assessed thereon*, as prescribed in Section 10, Regulation I. 1793, and *Section 28, Regulation XXV.* 1793,—and if land so transferred, but not regularly separated shall be included in any public sale such private transfer or sale to be considered invalid, and the entire estate to be sold for any arrear. This Section is not to be considered
	See Regulation XIX. 1814.	
	Rescinded by ditto ditto.	

Dependant Talooks.

See C. 2d. Section 3, Regulation XVIII. 1812.

Rescinded Regulation I. 1804.

Rescinded Section 2, Regulation XI. 1822.

15th. Rescinded Regulation XIX. 1814.

considered applicable *to dependant Talooks, or other dependant tenures under Section* 6, *Regulation XLIV.* 1793, in which such tenures are authorized, subject to the restrictions contained in Sections 2 and 5, Regulation XLIV. 1793, with an explanation of the latter, in Section 7, Regulation IV. 1794, and *C.* 5, *Section* 29, Regulation VII. 1799.

The rules contained in this Regulation as applied to *Regulation XXV.* 1793, and Regulation VII. 1799, equally applicable to the corresponding Regulations for the Province of Benares.

Regulations

1804 | SECTIONS | REGULATION I.

For the better management of the Invalid Jagheer Establishment.

Section 2d.	Regulations XLIII. 1793, and LVI. 1795, rescinded.
3d. See Regulation II 1811, and Regulation XI. 1808.	The establishment of Invalid Tannahs and the *appropriation of lands* for *their support*, to be confined to the Zillah of Behar, Shahabad, Sarun, Tirhoot, Bhauglepoor, and Chittagong, and no Tannahs to be established without the previous sanction of the Governor General.
4th. See Regulation I, 1816.	The General Superintendance of the Invalid Jagheer and pension establishments to be vested in the *Board of Revenue.*
5th.	The immediate Superintendance to be committed to the Officer, denomiated "Regulating Officers,"—in what districts to be stationed.
6th.	Regulating Officers to be subject to the orders of Collectors and the Board of Revenue, and all matters relative to their duties requiring the orders of Government to be submitted through those channels.
7th. See Regulation II. 1811.	What proportion of *lands to be granted* to Invalids.
8th. Ditto ditto.	Collectors to *select lands* for Invalids on notice given to them.

To

SECTIONS

REGULATION I.

9th 1st. To make proposals in writing to the proprietors of lands, selected for the Invalids containing the following stipulations.

2d. Land to continue the property of the proprietor, and not to be separated from his estate.

3d. Pottah to include the Julkur, Buhker, and Phulker.

4th. Lands to be held rent free by the Invalids during their lives, and to devolve on their heirs.

5th. Heirs of Invalids for the first five years after coming into possession to pay Malikana to the Zemindars.

6th. The Malikana to cease after 5 years, and the lands to be assessed in the proportion of 2-5ths of the annual produce.

7th. On what terms the heirs of Invalids who die within seven years are to hold the lands.

8th. How the lands of Invalids dying without heirs are to be disposed of.

9th. In what cases and to whom the heirs of Invalids are to be at liberty to dispose of their lands.

Heirs

SECTIONS | REGULATION I.

10th. Heirs of Invalids liable to forfeit their lands if they neglect to cultivate them for one year, such lands to be transferred to some other Invalid, or to revert to the proprietor.

11th. Rules regarding arable lands not brought into cultivation by the time they become liable to assessment.

12th. Malikana and rent how to be collected—no increase of revenue to be levied on account thereof.

13th. Pottah to be obtained from the proprietor for Invalids on being put into possession of their lands; or on such lands becoming liable to assessment.

14th. Proprietors to station an agent at each Tannah to keep accounts of the rent and Malikana, and to take care of his interests.

15th. The authority of the regulating officer to be withdrawn when all the lands in a Tannah shall become liable to a permanent assessment, and the Tannah to be considered upon the same footing as other villages in the Zemindarry—Heirs and Successors of original grantees to hold the bond according to the Pottahs.

In

Sections	Regulation I.
16th.	In what cases the Jagheer is to devolve on the Zemindar, who shall be at liberty to dispose of it as he shall think proper.
17th.	Any other stipulations made between Invalids and Zemindars shall be binding on the parties: all differences respecting the nature of the tenures to be decided in the Dewanny Adawlut.
10th.	Persons succeeding to an estate or part of it in which any lands may have been leased to Government under this Regulation, to abide by the terms of the lease.
11th.	Invalids to hold lands the property of Government upon the same terms as those of individuals.
12th.	Widows being heiresses may re-marry without forfeiting their Jagheers which are to devolve on their heirs at law.
13th.	Regulating Officer to settle as far as possible by his advice, all internal affrays, differences, and claims.
14th.	Vakeels of Government to plead the causes of Invalids, free of cost, on the requisition of the Collector.

Process

Sections	Regulation I.
15th.	Process of the Civil and Criminal Courts to be current in the Invalid Tannahs—Invalid and all inhabitants of the Tannah to pay obedience thereto under pain of fine or other punishment.
16th.	Jagheers not to be assigned as security for money borrowed by Invalids; nor answerable for debts contracted by them.—But Jagheers devolving to heirs of Invalids to be answerable for debts contracted by such heirs.
17th.	Distribution of lands to be made by the regulating officers under the orders of the Collectors—the Courts of Judicature not to interfere, nor receive complaints regarding such distribution.
18th.	Invalids to be present at the period of inspection under pain of being struck off the establishment—Courts of Judicature not to receive any complaints from Invalids so struck off on that account.
19th. Superseded by Regulation II. 1811.	Rules contained in Section 9th to be considered immediately applicable to lands which shall *be henceforth granted to Invalids*, the Collectors

Sections	Regulation I.
Rescinded by Regulation II. 1804.	Collectors to new model the Tannahs already established according to Section 7th, and to extend the rule to the heirs of Invalids; but nothing in this Section to be construed to annul or set aside any of the rights of the Jagheerdars, or of the proprietors of land under any existing engagements or rules *in Regulation* XLIII. 1793, *or Regulation* LVI. 1795.
20th.	Superseded by Regulation II. 1811.
21st. C. 1st.	Particulars which are to be specified in the Pottahs for Invalid Jagheers.
C. 2d.	Lands required for roads, &c. to be purchased by Government and bestowed on the Tannah gratis.
22d. C. 1st. Superseded by Regulation II. 1811.	Option to be allowed Invalid Officers of retiring on reduced pay of their respective ranks, or *being transferred to the Jagheerdar establishment.*
C. 2d. See C. 1st Section 3, ditto ditto.	All officers who shall choose to retire to their native villages shall *receive an advance of Six months pay.*
C. 3d.	Upon what condition the like indulgence shall be granted to privates, Invalided.

Native

Sections	Regulation I.
See Regulation II. 1811.	Native commissioned, non-commissioned, and private Invalids, *not admitted* on *the Jagheer establishment*, but admitted on the pension establishment to be furnished with a descriptive roll addressed to the Collector.
24th.	The presentation of such roll to the Collector, shall entitle the Invalid pensioner or his heirs to his reduced pay to the time of his death.
25th.	The Invalid pensioner to execute a receipt for each payment, which the Collector is to transfer to the Military Auditor General for Audit. On the death of the pensioner the Collector to transmit his descriptive roll to the same officer, noticing the amount paid to the heirs of the deceased.
26th.	Pensioners to be struck off the list when the voucher is not produced within 12 months, and not again admitted without the orders of Government.
27th.	Sec. 33, Regulation XLIII. 1793, to continue in force.

Arrangement

Sections	Regulation XII.
Section 2d.	Arrangements adopted by the Commissioners in Cuttack, for the settlement of the revenues of the years 1210 or 1211 Willaity, recapitulated.
3d.	And confirmed.
4th. Articles 1st to 16th.	Recapitulation of articles of proclamation issued by the Commissioners on the 15th September 1804, relative to the settlements of the land revenue, in the Mogulbundee portion of the Province of Cuttack.
5th.	The rules, orders, and declarations contained in the said Proclamation confirmed, but Clauses 3 and 4 of the Proclamation adjudging an increase of Jumma, proportioned to increase of produce to be added to future settlements, explained and qualified.
6th.	Zemindars and other actual proprietors whose lands have been held Khas; to be restored to the management of their lands, on their agreeing to pay the assessment required in conformity to the rules for the settlement of the land revenue.
7th. See Section 3, Regulation V. 1812.	The expiration of 1215 Willaity, is the period fixed for completing the adjustment and *delivery of Pottahs*, in conformity to the 13th Article of the Proclamation.

Rents

Regulation XII.

Sections	
8th.	Rents of lands assigned under grants, as endowments of the Temple of Juggernauth, or of Muths in the vicinity, not to be resumed, provided the quit rent such lands may be liable to, be paid according to former usage.
9th.	Lands appropriated for the support of Sirdar or other Paiks, for purposes of police, not resumable so long as any quit rent payable therefrom shall be discharged.
10th.	The Collectors to be guided by the Regulations in force in Bengal, on preparing the different prescribed registers of landed property, the first periodical register commencing with the year 1216 Willaity.
11th.	In what manner the registers are to be numbered.
12th. See Regulation I. 1814.	Regulations respecting *stampt paper* in force in Bengal extended to Cuttack.
13th. See Sections 8, 9, and 10, Regulation IV. 1807.	Engagements for the payment of the public revenues to be made in *Sicca Rupees*. *Rules for the receipt of Rupees of sorts*, until the expiration of 1215 Willaity.

Option

Regulation XII.

Sections	
14th.	Option left to debtors in the manner of liquidating bonds, &c. entered into for the payment of different species of Rupees, and not discharged prior to the expiration of the year 1213 Willaity.
15th.	Rescinded by Section 3d, Regulation XIII. 1807.
16th.	All future engagements of Government for the provision of the investment or manufacture of Salt, are to be made in the Calcutta Sicca Rupee or the Gold Mohur of the 19 Sun—*provision respecting engagements between Landholders and Tenants.*
Rescinded, Section 3, Regulation XIII. 1807. See Section 4 to 8, ditto.	
17th.	The following modifications of *Regulation* XIX. 1793, respecting rent-free lands not being held under Badshayee grants, *to be in force in Cuttack.*
See Regulation V 1813, and Regulation II. 1819.	
18th. C. 1st.	Grants of alienated lands made previously to the 14th October, 1791, by whatever authority, whether verbal or written, to be considered valid, provided the grantee obtained possession and held the land rent-free previous to that date, but of no validity if possession was not obtained, or if since subjected to the payment of revenue by the officers or orders of Government.

Grants

SECTIONS

REGULATION XII.

C. 2d. Grants made subsequent to the 14th October 1791, whether by authority which may have been confirmed or admitted by the existing Government, prior to the 14th October 1803, shall be deemed valid, provided the grantee obtained possession previous to that date, and held the land rent-free until the latter date, but such grants of no validity if possession was not obtained, or if the lands were subjected to the payment of revenue prior to the 14th October 1803.

C. 3d. The Courts to refer to the Governor General in Council in the event of their entertaining doubts of the authority of any officer of Government, who may have subjected exempted lands granted before the 14th October 1803, to the payment of revenue, and the Governor General in Council reserves the power of determining whether any officer of the Rajah of Berar, was or was not competent to confirm or admit grants in the name of the Rajah.

" C. 4th. But in case of life grants, the Courts not to adjudge any person entitled

entitled to hold lands rent-free under such grants, who may not be the original grantees.

C. 5th. Nor to entitle any persons to succeed to rent-free life tenures, unless the tenure shall be proved to be hereditary according to established usage, and the nature of the grant shall not be expressly defined in the writing. A power is reserved to the Governor General in Council of determining whether life grants to which one or more successions may have taken place prior to the 14th October, 1803, shall be subjected to the payment of revenue or not on the death of the present possessor.

C. 6th. The present possessors of such life grants prohibited from transferring them or mortgaging the revenues beyond their own lives.

C. 7th. Exempted lands not exceeding ten beegahs, held under grants made prior to the 14th October 1803, and appropriated to the endowment of Temples, or other such purposes, not to be liable to assessment. Decisions respecting lands so held, exceeding ten Beegahs, in what case to be reserved to the Governor General in Council.

Courts

SECTIONS

REGULATION XII.

C. 8th. Courts not to take cognizance of claims to hold exempted from revenue lands that have paid revenue for 12 years prior to the 14th October, 1803, or to the date of preferring the claim, unless the claimant can show sufficient cause for not sooner preferring it.

19th. All grants for lands exempt from revenue made since the 14th October, 1803, and not confirmed by the Governor General in Council, or an officer duly authorized, are declared invalid.

20th. In the event of the Courts entertaining any doubts of the competency of the authority, by which a grant may have been confirmed, to suspend decision, and report the circumstance for the orders of Government.

21st. The following rule to be in force in Cuttack for assessing land resumed under the three preceding Sections.

22d. C. 1st. The revenue assessed on such land to belong to Government.

C. 2d. The assessment to be regulated by the rules enacted in this Regulation for the settlement of lands paying revenue to Government, and by any rules which may hereafter be prescribed. If the proprietor

proprietor shall object to the assessment, a report to be made through the Board to the Governor General in Council for orders,—and if the proprietor shall finally refuse to engage, the land to be held Khas, or let in farm.

23d. Period of one year from the expiration of 1212 Willaity allowed for proprietors to Register their grants, at the expiration of which time the periodical quinquennial Register of rent-free lands to be prepared.

24th. See Regulation V. 1813, and Regulation II. 1819. All the provisions contained in Regulation XIX. 1793, not superseded by this Regulation, to be in force in Cuttack.

25th. Provisions in Regulation XXXVII. 1793, not superseded or modified by this Regulation, to be in force in Cuttack.

Ditto ditto.

26th C. 1st. The term 'Badshayee' to apply to all grants made by the Supreme power for the time being, whether Royal grants, or grants made by the Subah of Orissa, or by the Rajah of Berar.

C. 2d. Badshayee grants made previously to the 14th October, 1803, declared valid, provided the grantee obtained possession before that date,

SECTIONS	REGULATION XII.
	date, and has since held possession, but such grants not valid if possession was not obtained or the grant was resumed prior to the above date.
C. 3d.	Courts to refer to the Governor General in Council for orders in the event of their doubting the authority of any officer of Government who may have resumed such grants.
C. 4th.	But Courts not to adjudge the holders of life grants made previous to the 14th October, 1803, entitled to lands rent-free—such claimants not being the original grantees.
C. 5th.	Nor shall any person be entitled to succeed to lands rent-free under a Jagheer or Badshayee life grant made previous to the 14th October, 1803, upon the demise of the possessor.
C. 6th.	The present possessions of such life grants prohibited from transferring or mortgaging the revenue of them beyond their own lives.
27th.	All grants made since the 14th October, 1803, and not confirmed by Government, or by an officer duly authorized, declare invalid.

Courts

REGULATION XII.

SECTIONS	
28th.	Courts to report to the Governor General in Council for orders when they may entertain doubts in regard to the competency of the authority by which a grant may have been confirmed.
BADSHAYEE GRANTS. 29th.	The period of one year from the expiration of 1212 Willaity, to be allowed for the Registry of Grants, and at the expiration of that period the first Quinquennial Register of rent-free lands held under Badshayee grants to be prepared.
CLAIMS TO PENSIONS. 30th. See Regulation XXII. 1806, and Regulation XI. 1813.	*Rules contained in Regulation XIV.* 1793, for deciding on claims to pensions, or allowances granted for religious purposes, to be in force in Cuttack, provided that pensions obtained from the Goverment of Berar previous to the 14th October, 1803, to be continued to the present encumbents, subject to resumption on their death or otherwise *as the Governor General in Council may determine,* provided also that persons who shall have been in the receipt of pensions for three years antecedent to the 14th of October, 1803, shall be entitled to enjoy a continuance of the same during their respective lives when it
Ditto ditto.	shall revert to Government unless particular reasons shall exist for otherwise *determining*, but nothing herein contained to authorize the resumption of the established donation for the support of the temple of Juggernauth,

SECTIONS

REGULATION XII.

Juggernauth, the officers of certain Hindoo temples called Anoochuttree, and the allowance granted for the support of the Hindoo temple at Cuttack, called Seetaram Takoor Baree.

HINDOO TEMPLES.

31st. The collection of Sayer and other internal duties abolished in Cuttack, with exception to the Tax on Spirituous Liquors, &c., duties levied on Pilgrims at Juggernauth, and the rules contained in Regulation XXVII. 1793, relating to Chillunta, Rahdarry, and other duties collected by the Zemindars or others in the province of Bengal, extended to Cuttack, but adequate compensation to be granted by Government to persons deprived of authorized advantages by such abolition, in conformity with the principle of C. 10, Section 2, and Section 6, Regulation XXVII. 1793.

ABOLITION OF SAYER DUTIES.

REGULATIONS EXTENDED.

32d. Regulation XXXVI. 1793, extended to Cuttack in common with other Regulations extended to that province by Section XXXVI. of this Regulation,—substituting, however, the 1st January, 1808, for the 1st January, 1796, wherever the latter occurs in the said Regulation.

33d. Sunnuds granted by the Commissioners to the Zemindars of the

SUNNUDS CONFIRMED.

ESTATES SETTLED AT A FIXED QUIT RENT.

SECTIONS

REGULATION XII.

the Killahs, below specified, to hold their estates at a fixed Jumma in perpetuity, confirmed.

Killah Durpun.
Ditto Sookundall.
Ditto Muddoopoor.

34th. Sunnuds granted by the Commissioners to Futteh Mahomed, Jagheerdar of Malood, to hold his lands rent-free in perpetuity, confirmed.

35th C. 1st Settlement concluded by the Commissioners with the Hill Zemindars specified following for the payment of a fixed annual quit rent in perpetuity, also confirmed.

C. 2d. The following are the Mehals in question:

Killah Aul.
Ditto Koojung.
Ditto Puttroo.
Ditto Hurrishpoor.
Ditto Meritchpoor.
Ditto Bishenpoor.

C. 3d. A settlement to be concluded in the principle stated in the two foregoing Clauses with the Zemindars of Khoordah and Kunka.

36th. All Regulations relating to the settlement or collection of the Revenues, or the Officers employed therein, now in force in Bengal, and not

ESTATES NOT SUBJECT TO THE REGULATIONS.

not superseded by the foregoing rules, declared to be in force in Cuttack; but nothing herein contained to authorize the division of lands in which, according to established usage, the succession devolves to a single heir.—In such cases, the Courts of Justice to be guided by the provisions in Regulation X. 1800, provided also, that no part of the Regulations are to be considered to *extend to any of the following Hill Estates,* with whom engagements have been formed for the payment of a fixed tribute:

See Regulation XI. 1816.

Killah Neelgurhry,
Ditto Bankey.
Ditto Soormoo.
Ditto Nursingpoor.
Ditto Angole.
Ditto Talcher.
Ditto Autgurh.
Ditto Keunjur.
Ditto Khundiaparra.
Ditto Nya Gurh.
Ditto Runpoor.
Ditto Hindole.
Ditto Tigarcah.
Ditto Berumbah.
Ditto Dhekenaul.

Similar

1805	SECTIONS 36th.	REGULATION XII.	0
		Similar exemption from the operation of the general Regulations to be considered applicable to the Territory of Mohurbarye.	
			Rescinding

1805 | SECTIONS

REGULATION XVII.

Management of Joint Undivided Estates.

Section 2d.

Rescinding Sections 23, 24, and 25, Regulation VIII, 1793, and Proprietors of Joint Undivided Estates at liberty to manage them in such manner (under the Regulations in force) as they may think proper, without any interference on the part of the Revenue Officers of Government in the appointment of a manager.

3d.

Estates of such proprietors liable as at present to be sold for arrears; and the proprietors jointly and severally responsible for the Revenue.

4th.

Payments of Revenue to be carried to the account of the Estate at large; and not to the account of any individual Proprietor.

5th.

See Section 26, Regulation V. 1812.

The Guardians of minor or disqualified Proprietors of Joint Undivided Estates, whether nominated by the will of the Parents, or by the Zillah Judge, under *Regulation* I. 1800, shall exercise the same powers, in the management of the Estate as would devolve on the proprietor, if competent to the management of his own affairs.

Rescinding

1806 | SECTIONS | REGULATION VI.

For the Repair of Embankments.

Section 2d. Rescinding Sections 2 to 7, Regulation XXXIII. 1793, and the corresponding Sections of Regulation XLVI. 1795, and Regulation XLIV. 1803.

3d. The general charge of the Embankments to be entrusted to Committees, to consist of such Public Officers as may be nominated by Government.

4th. Senior Servant of the Company, at each Station, to be President; and the Register of the Zillah Court to be Secretary to the Committee.

5th C. 1st The Committee to furnish an annual estimate of expense, required for repairing the Embankments.

C. 2d Estimates to be prepared by the Collector for the consideration of the Committee.

C. 3d In preparing the estimates, the Collector may require the assistance of any persons employed in the execution of the repairs.

C. 4th A meeting of the Committee to be held, for taking the estimates into consideration at the Station of the Magistrate and Collector, before the end of December in each year.

Estimates

1806 | SECTIONS | REGULATION VI.

For the Repair of Embankments.

C. 5th. Estimates when approved to be forwarded to Government, with any suggestions the Committee may deem proper.

C. 6th Members unable to attend the annual meeting, to state their reasons, which shall be forwarded by the Committee to Government.

6th. The Collectors also to prepare accounts of expense incurred, unless in cases wherein Government may commit that duty, and the preparation of the annual estimates, to any other Officer.

7th. Accounts to be taken into consideration by the Committee at the annual meeting or otherwise.

8th. Accounts approved by the Committee, to be forwarded to the Civil Auditor, who will submit them to Government.

9th. In cases where it may not be convenient to appoint Committees, the duty entrusted to the Collector by Sections 5 and 6, shall be performed by such other persons, as Government may direct, subject to the General Superintendence of the Board of Revenue, who shall

For the Repair of Embankments.

shall conform as much as circumstances may permit to the rules prescribed for the Committee.

10th. An annual deputation shall be made for the purpose of examining the state of the Bunds.

11th. The Committee to be vested with a general control over embankments repaired by Zemindars; how such control is to be exercised.

12th. C. 1st. Rules established for making cuts and water courses, through the embankments.

C. 2d. The Committee to report when they may be of opinion that sluices of masonry are necessary.

C. 3d. Such sluices only to be opened by Officers in charge of embankments under the direction of the Committee, or other Officer superintending the repairs.

C. 4th. Landholders to apply to Darogahs when desirous of having a water course made through any part of an embankment—such application to be reported to the superintending Officer, or the Committee for orders.

What

1806 | SECTIONS | REGULATION VI.

For the Repair of Embankments.

C. 5th. What the Committee or other Officer are to consider on deciding on such application.

C. 6th. Persons guilty of a breach of the foregoing rules, liable to a criminal prosecution.

C. 7th. Also liable to be prosecuted in the Civil Court for damages.

13th. Foregoing rules, with certain modifications, applicable to embankments repaired by Zemindars.

Claims

SECTIONS	REGULATION XXII.
Section 2d. See Regulation XI. 1813. See Regulation X 1807, and Regulation I. 1809.	*Claims to pensions* not exceeding Rs. 100 per Annum, in the C. C. Provinces, to be enquired into by the Collectors under Regulation XXIV, 1803 (C. P.) and their proceedings thereon to be transmitted for the final decision of *the Board.*
3d. See Regulation I 1816.	The principle of the foregoing rule to be considered in force in the *Lower Provinces* with respect to pensions not exceeding Rs. 50 per Annum—and Sec. 5, Regulation XXIV. 1793, and Sec. 17, Regulation XXIV. 1803, superseded.
4th.	Foregoing rules not to affect decisions already regularly passed by Collectors—what information to be transmitted to the Civil Auditor by Collectors, to facilitate the audit of sums charged by them for pensions.
5th.	Civil Auditor to be informed of the continuance of all pensions hereafter authorized by the Board of Revenue, under this Regulation, or by Government.
6th.	Collectors to furnish any further information required by the Civil Auditor.

When

1806 | SECTIONS | REGULATION XXII.

Admission and Payment of Claims to Pensions.

7th. When a person receiving a pension, not exceeding the sums above specified, may die, the Board to determine, after receiving the report of the Collector, whether the provision or any part of it shall be continued to the heirs of the deceased in consideration of the situation and circumstances of the party—the Board are not to grant such indulgence unless on the ground of poverty, or the party shall have a strong claim on Government—applications for the continuance of pensions exceeding those sums, to be reported as at present to Government.

8th. Collectors to ascertain whether the persons at present receiving pensions are the individuals to whom they were originally adjudged; and in case of the decease of the original grantees, to suspend payment for the orders of the Board or of Government.

9th. Pensions to be in all practicable cases commuted for grants of waste land rent-free, but in certain cases such commutation not to be made without the consent of the parties.

10th. Collectors to ascertain and report where lands capable of cultivation, and conveniently situated, can be obtained preparatory to such commutations

Admission and payment of Claims to Pensions.

commutations—and if it be intended to make the proposed grant in any other district than his own, to apply for the necessary particulars to the Collector of such district.

11th. Boards to report such cases to the Government, and to submit a draft of the proposed Sunnud for the signature of the Chief Secretary, or the Secretary in the Revenue and Judicial Department.

12th. In ordinary cases, the quantity of land to be granted shall be such as the annual net rent produce of it, when brought into cultivation shall be equivalent to the amount of the pension.—Government may, however, increase or diminish the quantity, and will authorize certain pecuniary payments to assist in bringing the land into cultivation, not, however, in any case exceeding the amount of the pension for one year.

Collectors

1808 | SECTIONS | REGULATION XI.

Rent payable by Heirs of Invalid Jaghiredars.

Section 2d. See Regulation II. 1811, and Regulation I. 1816.

Collectors to *adjust the rents* payable by the heirs of invalids under the control of the *Board of Revenue.*

3d.

Rules for the guidance of Collectors in making such adjustments. —The Zemindars to receive a neat rent equal to two-thirds of the amount paid for other lands in the district of the same description and quality.

4th.

Courts of Justice to be guided by such adjustment in the decision of suits preferred by Zemindars against the heirs of invalids—The Zemindars at liberty to represent to the Board, if the requisite adjustment should not be made by the Collector in due time.

The

1810 | SECTIONS

Appropriation of Lands assigned as Religious Endowments or Public purposes.

REGULATION XIX.

Section 2d.

Extended, see Regulation I. 1816.

The General superintendence of all lands granted for the support of Mosques, Temples, or other pious or beneficial purposes; also of certain *public buildings*, such as Bridges, Serais, Khuttras, &c. is vested in the Boards of Revenue and *Commissioners* in the several districts subject to their respective control.

3d.
Modified, Sections 16 to 19, Regulation XVII. 1816.

Those authorities to be careful that all such endowments are duly appropriated, and that public edifices are duly *repaired.*

4th.

Buildings fallen to decay, or not calculated to be useful if repaired, to be sold or otherwise disposed of, as most expedient.

5th.
See Sections 16 and 17, Regulation XVII. 1816.

The *Boards and Commissioners,* to be careful that such lands or public edifices are not appropriated for the private use of individuals, or in any manner contrary to the intent and will of the donor.

6th.
Ditto ditto.

Estimates of necessary repairs to be submitted to Government for approval.

7th.

The general superintendance of Nuzzool property to be vested in the Boards and Commissioners, who will report to Government their opinion in regard to the mode it should be disposed of.

Local

Sections	Regulation XIX.
8th.	Local Agents to be appointed subject to the orders of the Boards and Commissioners for the purpose of supplying all necessary information to those authorities.
9th.	The Collector of each Zillah to be ex-officio an Agent with such others as the Governor General in Council shall deem expedient.
10th.	Agents to ascertain the particulars of all endowments, buildings, or Nuzzool property; and report to the respective *Boards* any instances of mal-appropriation.
See Sections 16 to 19, Regulation XVII. 1816.	
11th.	Agents also to ascertain and report the names and other particulars of the present trustees or managers of such institutions; and by what authority appointed or elected.
12th.	They will likewise report to the respective Boards, all vacancies or casualties which may occur, with full information as to the respective claimants.
13th.	The Agents to propose fit persons in cases wherein the nomination is vested in or devolves upon Government.
14th.	The Boards to appoint such persons or make such other provision for

Lands assigned for Public purposes.

for the trust as they may deem fit, with reference to the condition of the endowments.

15th. Individuals deeming themselves aggrieved by any orders passed under this Regulation not precluded from sueing for the recovery of their rights, or for damages in the manner prescribed by the *Regulations*.

See Regulation XVII. 1813, and Regulation II. 1814.

16th. The object of this Regulation is solely to provide for the due appropriation of lands assigned for public purposes; and not to resume any part thereof—likewise to provide that Buildings erected for public purposes be exclusively so appropriated and kept in due repair.

Provisions

Sections	Regulation II.
Section 2d.	Provisions in Regulation I. 1804, which allow to certain Native Commissioned and Non-Commissioned Officers, on the Invalid establishment, the option of transfer to the Jagheer establishment, and Section 20, Regulation XI. 1806, rescinded.
3d. C. 1st.	Native Officers invalided after the date of this Regulation, not to be entitled to lands; but both Officers and privates unfit for garrison duty to receive an advance of six months invalid pay, with permission to retire to such part of the Company's territories as they may prefer.
See Regulation XII. 1814, C. 2d.	Specification of the rates of pay.
C. 3d.	Above rules not applicable to persons, to whom reduced Invalid pay had been granted prior to the 15th of February, 1811.
4th.	Rules in Sections 23 and 26, Regulation I. 1804, to be strictly observed in issuing such pay.

No

1811	Sections	
Sayer Compensation.	Section 2d.	**Regulation VI.** No claims to compensation on account of the abolition of the Sayer to be received after the promulgation of this Regulation.
		Regulation XI. The Provisions of this Regulation re-enacted by Reg. XIX. 1814.
Board of Revenue.	Section 2d. Extended Regulation XXIV. 1817.	**Regulation XIII.** A Member of the Board of Revenue to visit, when necessary, any district in which the presence of such Officer may be requisite, to superintend the formation of any settlement, or other duty of importance; and the Board to determine, with the sanction of Government, to what district or districts the authority of such Member shall extend.

The

1811 | SECTIONS | REGULATION XIII.

Board of Revenue.

3d. The Board also to determine with the concurrence of Government what part of the establishment of their Secretary's Office shall attend the member on deputation.

4th. What powers may be exercised by the member on deputation within the limits of his exclusive control; and likewise by the Member of the Board remaining at the Presidency: but two Members required to constitute a regular and legal Board, whenever the acting President and junior Member shall be at the Presidency.

See Section 5, Regulation XXIV. 1817.

5th. On the termination of a deputation, all correspondence and documents relating thereto, to be deposited in the Office of the Board's Secretary at the Presidency.

Rules

Sections	Regulation V.
Section 2d.	Rules contained in Section 2, Regulation XLIV. 1793, Section 2, Regulation L. 1795, Chapter 2, Section 2, Regulation XLVII. 1803, limiting the period of leases to ten years, hereby rescinded, and proprietors of land competent to grant leases for *whatever period* they may deem proper.
Explained Regulation XIV. and Section 2, Regulation XVIII. 1812.	
3d.	Forms of Pottahs prescribed by Regulation VIII. 1793, and Regulation IV. 1794, not required to be observed—Proprietors and others may hereafter grant leases, and take corresponding engagements according to such form as they may deem convenient, provided that the sum agreed upon be specific, and that no arbitrary or indefinite cesses be stipulated—Any such to be adjudged by the Courts illegal and void; but shall not vitiate the definite clauses of the engagements.
Explained Sections 2 and 3, Regulation XVIII. 1812.	
4th.	In modification of the provisions contained in Section 5, Regulation XLIV. 1793, Section 5, Regulation L. 1795, Chapter 3, Section 23, Regulation VII. 1799, Section 24, Regulation V. 1800, Section 9, Regulation I. 1801, and Section 5, Regulation XLVII. 1803, no person attaching lands on the part of Government, or purchaser at public sales, entitled to annul existing leases within the

FORMS OF POTTAHS.

LEASES.

SECTIONS	
	the year on the grounds of collusion without a judicial decision on summary suit to be tried under the provisions of Regulation VII. 1799.
5th.	Provisions of Section 5, Regulation XLIV. 1793, Section 5, Regulation L. 1795, and Section 5, Regulation XLVII. 1803, regarding the rates at which purchasers of lands may collect during the year in which the sale takes place in cases in which leases may be cancelled, amended as follows:
6th.	Established Pergunnah rates, where such exist, shall determine the amount to be collected by Government Officers or purchasers.
7th.	Rules established where no Pergunnah rates exist.
8th.	What allowances to be made in computing the rates payable by Ryotts, &c. in the case of dependant Talooks.
9th.	No cultivator or tenant liable to a demand of enhanced rent by a purchaser of lands, unless under written engagements, or a notice served on him at the season of cultivation, on or before the month of Jeith.
See Section 33, Regulation XI. 1822.	

Cultivators

NOTICE OF ENHANCED DEMAND.

DISTRESS AND SALE FOR RENT.

SECTIONS	REGULATION V.
10th.	Cultivators not served with such notice, entitled to a refund of any excess (with damages) beyond the amount of their previous engagements, nor shall any greater rent be exigible by process of distress, arrest, or suit in court. The prescribed notice how served on tenants. *
11th.	The preceding provisions applicable to sequestrators, managers, and farmers, holding under the authority of the Board of Revenue, or Board of Commissioners.
12th.	The rules in force respecting distress, and sale for recovery of arrears of rent, subject to the following modifications :
13th.	No process for distress or sale to be legal, unless the tenant shall be served with a written demand, accompanied with a Jumma Wasil Bawkee ; the written demand and account how served on the tenant.
14th.	Ploughs, implements of husbandry and cattle, employed in agriculture, not liable to distress on account of rent.

Attachment

* See construction of the Sudder Dewanny Adawlut on this Section, dated 3d February, 1816.

Sections	Regulation V.
15th.	Attachment to be withdrawn and the destrained property to be restored, should a tenant, who may not have given security, dispute the demand, and enter into a bond with security, binding himself to institute a suit within fifteen days.—If the defaulter shall fail to execute the bond, the attachment shall continue and the property be sold, unless the arrear be previously discharged—And should he execute a bond, but omit to institute a suit, his security may be proceeded against, as well as the defaulter.
16th.	Under what rules attachment to be withdrawn, in cases of the justness of the demand being disputed by the tenant—but on failure of the security, to execute the conditions of his engagement, will himself be liable, with the defaulter, to be proceeded against.
17th.	Tenants unable to give security may institute a suit to try the justness of the demand, or to recover damages.
18th.	Distrained property to be appraised previous to sale, and a certificate furnished to the defaulter.

Sale

SUMMARY REVENUE SUITS.

SALES OF ENTIRE ESTATES OR PORTIONS.

SECTIONS	REGULATION V.
19th.	Sale to be postponed should the price offered be less than the appraised value.
20th.	Suits instituted under this Regulation to be decided on as Summary Suits under the provisions of Regulation VII. 1799.
21st. See Regulation XIV. 1824.	All suits so instituted *to be referred to the Collectors* for report under Section 13, Regulation VIII. 1794.
22d.	The Collectors to furnish the Board of Revenue and Board of Commissioners with periodical returns, shewing their progress in the execution of the above duty.
23d.	Persons dissatisfied with the summary judgment may institute a regular suit.
24th.	Sales of entire estates not to be annulled by the Courts of Justice on the ground of some of the sharers not having obtained possession. —The decision on the expediency of disposing of entire estates, or of only portions thereof, vested in the Boards respectively, subject to the control of Government in its executive capacity.

Sales

APPOINTMENT OF MANAGERS TO JOINT ESTATES BY THE ZILLAH COURTS.

SECTIONS

REGULATION V.

25th. Sales are not liable to be annulled by the Courts on the ground of the proceeds having materially exceeded the arrears due; the Boards are to be guided in such cases by their own discretion, subject to any orders of the Governor General in Council.

26th. In cases of disputes existing between the proprietors of joint undivided estates, the Judges of the Zillah Courts (on sufficient cause being shewn by any of the revenue authorities, or joint sharers for the interposition of the authority of the Court) shall be competent to appoint a duly qualified person, under proper security, to manage the estate—Objections to the individual so selected to be preferred to the Court of Appeal, who will confirm the appointment or direct a further selection.

27th. Courts may be moved for the removal of such managers should their conduct be unsatisfactory—any order passed on such petition by a Zillah or City Court may be appealed to the Provincial Court.

Such

INTEREST ON ARREARS.

SECTIONS

28th. C. 1st.

Revived by Section 2, Regulation XII. 1824.

C. 2d.

C. 3d.

REGULATION V.

Such parts of Section 2, Regulation I. 1801, or other Regulations which declare defaulting Landholders liable to a penalty of 12 per Cent. in addition to the established charge of interest, *rescinded.*

Landholders, failing to discharge their monthly instalments, shall be charged with interest at 12 per Cent. per annum, unless remitted by the Boards, respectively for any special reason, or on the report of the Collector.

The Boards to obtain periodical accounts of such interest to be compared with the Towjees, and shall furnish the Collectors with any instructions that may be necessary.

Parts

Sections	Regulation X.
Section 2d,	Parts of Sections 5 and 6, Regulation X. 1807, (C. C. P.) rescinded.
3d.	Declaration contained in Section 7, Regulation IX. (Conq. Pro.) and C. 6, Section 4, Regulation XII. 1805, (Cuttack) which relates to the settlement in perpetuity of certain estates declared in full force and effect.
4th.	The Boards of Commissioners and of Revenue, respectively, to ascertain what estates are in a state of cultivation, to warrant the conclusion of a permanent settlement—such settlement on what principle to be founded, subject to the approval of Government.
5th.	Reports to be made to Government of such estates as may not be in a state sufficiently improved to admit of the conclusion of a permanent settlement, without a sacrifice of the public interest, and the Governor General in Council will determine for what period a settlement shall be concluded.
See C. 3, Section 2. Regulation I. 1813,	

In

1812 | SECTIONS

Modification of existing Regulations.

ASSESSMENT ON SHARES OF DIVIDED ESTATES. GRANT OF LEASES FOR AN UNLIMITED PERIOD.

REGULATION XVIII.

Section 2d. In explanation of Section 2, Regulation V. 1812, it is hereby explained, that proprietors of land may grant leases for any period and at any rent, provided that nothing in this or any other Regulation shall be construed to empower persons holding a restricted interest in estates, whether for life or for other limited period, or subject to control or restriction in the use or disposal of the property, to grant leases extending beyond the time of their own interest in the property, or exceeding their power or authority over it.

3d C. 1st. Sections 3 and 4, Regulation XLIV. 1793, and Sections 3 and 4 Regulation L. 1795, rescinded.

C. 2d. On a division of an estate by application of the parties, or a decree of Court, the public revenue to be apportioned on the shares agreeably to the principles prescribed in Section 10, Regulation I. 1793, and Section 7, Regulation XXVII. 1795, without regard to any subsisting engagements between the proprietors and their dependant Talookdars, (excepting those described in Section 7, Regulation XLIV. 1793,) or other under-tenants, but all leases made in conformity with

1812 SECTIONS

WHAT LEASES NOT AFFECTED BY A DIVISION OF AN ESTATE.

REGULATION XVIII.

with Sections 2 and 3, Regulation V. 1812, and Section 2, of this Regulation, to remain in full force, notwithstanding such division, or the sale of the whole or portion of an estate; or the devolving of the same by inheritance, or by private transfer by sale, gift, or otherwise.

1813

Settlement of Cuttack, Puttaspoor, &c.

REGULATION I.

Section 2d. C. 1st A settlement for one year to be made in Cuttack, and in the Pergunnah of Puttaspoor and its dependancies; viz. for the year 1220 Umlee.

C. 2d A further settlement to be made for two years on the expiration of the foregoing.

C. 3d On the expiration of 1222 Umlee, the Board of Revenue to conform to the provisions of Section 5, Regulation X. 1812, respecting the future settlements.

Khazanchees

1813 | SECTIONS

For preventing Native Officers making use of the Public Money.

REGULATION II.

Section 2d. Khazanchees, Tehseldars, and other native Officers entrusted with the charge of public money, prohibited making use of the same for their own advantage, or that of any other individual.

3d. Persons infringing the above rules, shall be deemed guilty of a misdemeanour, and punishable, on conviction before a Court of Circuit, under Clause 7, Section 2, Regulation LIII. 1803, at the discretion of the Judge, with the exception of the infliction of stripes or punishment of hard labor. If the term of seven years imprisonment shall not appear adequate to the offence, the Judge of Circuit to transmit the trial to the Nizamut Adawlut, for the final sentence of that Court.

4th. The Boards of Revenue, of Commissioners, and of Trade, submit to Government a special report respecting all convictions and sentences, which may take place under the provisions of this Regulation, in order that the Governor General in Council may determine, whether the offender shall also be declared incapable of again serving Government in any public capacity.

Payment

SECTIONS	REGULATION XI.
Section 2d.	Payment of pensions in general to be stopped from and after the 1st October 1813, until due enquiry shall have been made as to the title of the pensioners to the receipt of them—Specification of the description of pensions to which this rule shall be applicable or otherwise.
3d. C. 1st.	The Collectors to prepare, under the directions of the Boards, a revised list of pensioners whose pensions shall be continued.
C. 2d.	The Collectors to correct the Registers, whenever the pensions may revert to Government.
4th.	Pensions exceeding Rupees 50 per annum, to be paid in the mode prescribed by the provisions in Regulation XXIV. 1793, and Regulation XXIV. 1803,—but authorized pensions may be transferred from one district to another.
5th C. 1st.	Sections 15 and 16, Regulation XXIV. 1793, and Sections 14 and 15, Regulation XXIV. 1803, rescinded.
C. 2d.	Persons receiving pensions not exceeding Rupees 50 per annum, to attend once in each year at the Cutcherries of the Collectors, on the

1813 | SECTIONS

REGULATION XI.

Payment of Pensions.

the issue of the first quarterly payment for the purpose of identifying themselves.

C.3d The three remaining quarterly payments may be made by any Officer whom the Collector may direct to perform that duty.

6th. A reward equivalent to the amount of any pension, for the period of six months, will be paid to any person who may prove that the pension is fraudulently received.

REGULATION XV.

Office of Dewan to Collectors abolished.

Section 2d. The office of Dewan to the Collectors of Land Revenue abolished from the 1st January, 1814, and the provisions in Regulation II. 1793, Regulation V. 1795, and Regulation XXV. 1803, relating to the appointment, duties, and office of the Dewan, hereby superseded.

Pe nsions

SECTIONS	REGULATION XII.
Section 2d.	Pensions granted by Government to Invalid Native Officers and Soldiers, not to be seized or attached at the instance of a creditor, or in satisfaction of a decree of Court—What case of exception to this rule.
3d.	All assignments, bargains, sales, &c., which may be made by a pensioner, after the date of the promulgation of this Regulation, for money, to be due thereafter, on account of his pension, to be null and void, and of no effect—In what case excepted.

Regulation

REGULATION XIX.

Section 2d. See Section 3, Regulation V. 1796, before rescinded by Regulation V. 1810.

Regulation XXV. 1793, Regulation XXVI. 1795, Sections 12 and 13, Regulation I. 1801, Section 29, and remaining Sections of Regulation XXVI. 1803, Regulation VI. 1807, and Regulation V. 1810, rescinded.

3d.

The division of any estate into two or more shares, and the allotment of the Jumma, to be executed under the superintendance of the Collector.

4th. C. 1st.

Proprietors of joint undivided estates entitled to have a division at their own expense—Manner and form of application for that purpose—and report to be made by the Collector, to the Board of Revenue or the Board of Commissioners.

C. 2d.

Any of the proprietors of a joint estate, held in common tenancy, entitled to have their shares separated—the Collector how to proceed on receiving an application for that purpose; and should any of the parties in possession, object to the right of the claimants to have a separation, the Collector not to proceed to a division until the disputed claim shall be determined in a Court of Justice, or admitted by a writing duly attested.

C. 3d.

If no objection be made, the Collector to proceed to make the division

division in the manner hereafter specified, and the expense how defrayed.

C. 4th. The foregoing rules applicable to portions of estates consisting of distinct Mehals.

5th. In decrees by Courts of Justice requiring a division of an estate to be made by a Collector, the payment of the expense to be provided for in the decree as herein directed.

6th. Two or more estates, which originally formed a part of the same Zemindary, may be united and registered as one estate—Application for that purpose how made.

7th. Each estate divided shall be rendered as compact as possible.

8th. The public revenue shall be assessed on each portion of an estate divided, according to the rules prescribed in Regulation I. 1793, in Bengal, Behar, and Orissa; Regulation XXVII. 1795, in the Province of Benares; Regulation XXV. 1803, in the Ceded Provinces; Regulation IX. 1805, in the Conquered Provinces; and Regulation XII. 1805, in the Province of Cuttack—Considerations to be attended

to

Sections	Regulation XIX.
	to in selecting the Mehals or villages to be included in each separate estate.
9th.	The dwelling house and adjacent premises of one sharer to be retained by him in payment of rent, although situated within the share of another.
10th.	Rules with respect to the allotment of Tanks, embankments, &c.
11th.	Also in regard to places of religious worship.
12th.	Division of an estate to be made by an Aumeen to be appointed by the Collector, to be paid by a per Centage on the Jumma.
13th. C. 1st.	Aumeens convicted of corruption, in violation of their oaths, liable to fine and imprisonment. The prosecution to be conducted by the Vakeel of Government at the instance of the Collector, before the Zillah or City Magistrate as a misdemeanor. And also liable to a suit in the Civil Court, and on conviction, may be compelled to restore any money or property taken, to the party prosecuting with all costs.

What

Sections	Regulation XIX.
14th.	What Documents are to be supplied to the Aumeen by the Collector.
15th. C. 1st.	Specification of the rates of per Centage to be allowed to the Aumeen.
C. 2d.	In cases in which a measurement of Lands may be necessary, the Aumeen to be separately paid for such duty.
C. 3d.	The Collector to advance one-third of the per Centage to the Aumeen.
C. 4th.	Further advances to be issued according to the progress made in forming the partition.
C. 5th.	If the partition made by the Aumeen be not confirmed, the Board of Revenue or Board of Commissioners may declare the claim of the Aumeen to any further payment forfeited.
C. 6th.	When the partition may not be made within a prescribed period allowed, it may be extended if necessary, or if delayed by neglect of the Aumeen, that Officer to be suspended, and a report made to the Board or Commissioners for orders.
C. 7th.	How the Aumeen is to be paid when the per Centage may be considered an inadequate remuneration.

Any

Sections	Regulation XIX.
C. 8th.	Any fines and arrear of per Centage, how appropriated when an Aumeen may be superseded.
16th.	Aumeens to survey the different parts of an estate in person, that he may select the lands conformably to Sections from 7 to 11.
17th C. 1st.	Proprietors to furnish the Aumeens with the necessary accounts to enable him to allot the Jumma on the different shares.
C. 2d.	Proprietors, their local Naibs, or representatives, to swear to the truth of the accounts; or if exempted from swearing, to subscribe to the truth of the declaration, and will be liable to such daily fine as may be directed by the Board, if they shall omit to furnish the accounts required.
C. 3d. Rescinded by Regulation XII. 1817.	Proprietors to cause their Putwarries to attend the Aumeen under similar penalty in case of failure, and Putwarries refusing to deliver their accounts, or acting contrary to the rules contained in Section 62, Regulation VIII. 1793, and the corresponding Sections in Regulation

SECTIONS

REGULATION XIX.

Regulation XXVII. 1795, and Regulation XXIX. 1803, to be proceeded against, as therein directed.

18th. What documents shall be delivered to the Collector by the Aumeen when he shall have completed the division.

19th C. 1st. Collector, after examining the documents, and hearing the objections of the parties, to draw out a paper of partition—what particulars the paper is to specify, and a copy to be transmitted to the Board of Revenue, or Board of Commissioners, with such observations as may be necessary to enable the Board to judge whether the allotment of the Jumma is conformable to the Regulations.

C. 2d. A copy of the partition paper to be furnished to the sharers, previously to being forwarded to the Board, and if the parties, in writing, declare themselves satisfied, or omit to offer any objections within fifteen days, the Collector shall proceed to put the parties in possession, reporting the same to the Board, and submitting a copy and translation of the partition statement and allotment of Jumma, which

which shall not be conclusive until confirmed by the Board, or by the Commissioners, who may alter the same if necessary in pursuance of the prescribed rules cited in Section 8, of this Regulation, and may also alter the division of the property, or if necessary, may direct further enquiry previously to determining upon the case.

C. 3d. In the event of objections being made by the sharers to the partition within 15 days, the Collector to transmit copies and translations of the partition statement, and objections for the orders of the Board, or Commissioners, with any part of the Aumeen's report, or other papers necessary for the Board's information.

20th C. 1st. The decision of the Board of Revenue or Commissioners thereon shall be final, and the Collector on receipt thereof, to put the parties in possession, and make the necessary entries in the records.

C. 2d. No objection to the partition shall be received by the Board after the lapse of the period allowed for stating such objections to the Collector, unless good cause be assigned.

Boards

Regulation XIX.

Sections	
C. 3d.	Boards may impose a fine on any party preferring groundless vexations, or litigious objections—such fine to be recovered by the same process as arrears of revenue.
21st.	The Collector (subject to the approval and confirmation of the Board) or the Board itself, may impose a daily fine on any of the sharers with-holding papers or accounts required to be surrendered, or otherwise impeding or opposing the division of an estate—such fine how levied, and the amount to be determined with advertence to the circumstances of the parties.
22d.	Division of estates may be made by the sharers themselves; or by arbitrators under the inspection of the Aumeen in certain cases—what rules to be observed in such cases.
23d.	Aumeens employed in superintending private partitions, shall be nominated, and the expense defrayed in the same manner as if made under the orders of the Collector, but the Aumeen in such cases to receive only half the amount.

Cases

Sections	Regulation XIX.
24th.	Cases in which to obviate fraud or partiality, the sharers are to draw lots for the lands that are to form their respective estates after the division shall be finally adjusted.
25th.	The Governor General in Council reserves the power of ordering a new allotment of Jumma at any period within ten years, on proof of fraud or collusion in the previous allotment, and may likewise order the parties whose estates were over-assessed to be indemnified by those whose estates may have been under-assessed.—The amount so payable to be levied, if necessary, by the same process as for recovery of arrears of revenue.
26th.	Sharers not attending in person, to appoint Vakeels, with full powers, to act for them.
27th.	Boards of Revenue and Commissioners to be careful that the rights of female minors, or disqualified landholders, be duly attended to in making divisions—report in such cases to be made by Collectors.

Joint

SECTIONS

REGULATION XIX.

28th. Joint landed property to be held responsible for the public revenue, until the parties are put in possession of their distinct shares.

29th. Under what rules the partition of estates held Khaus, or let in farm, is to be made as relates to the allotment of Jumma, and the production of any necessary accounts.

30th. The whole of the provisions of this Regulation applicable to joint estates held in common tenancy, without any separate title to distinct lands or Mehals forming part thereof, but held under one general assessment. To what cases some of the provisions of this Regulation are not to be considered applicable.

31st. After the date of this Regulation, a register is to be kept according to a prescribed form of all partition of estates confirmed—and whenever a distinct estate (created by division) shall fall in balance, if within ten years of the date of division, the Collector to report to the Board the cause of the balance, and the Board to determine, on consideration of such report, whether to recommend to Government a re-allotment of the Jumma.

Provision

Sections	Regulation XIX.
32d.	Provision for discouraging artificial impediments or delays occasioned by any of the parties in possession—measures to be adopted on an application from the party out of possession.
33d.	Rule to be observed in cases of an estate falling in balance while under division, but before the separation has been completed and confirmed—any sharers, in such cases, whether in possession or otherwise, at liberty to pay up their respective quotas of the Jumma—and the sale to be made only of the portion of the estate belonging to the defaulting sharers, and the division to proceed from the portion of which the balance was paid up.
34th C. 1st.	The following rules to be observed in order to prevent delays in allotting the Jumma of specific Mehals forming part of an estate.
C. 2d.	Proprietor of such Mehals under separation, but not completed when the estate shall fall in balance, may tender his share of the balance due, and if not in possession, shall be immediately put into possession—the proportion payable, how calculated—the Collector, if

Partition of Estates.

if satisfied that the amount produce of the Mehal is not under-rated, shall receive the same, and the sale to be made with the express exception of such Mehal, and the separation to proceed in the manner prescribed—any excess of Jumma paid by such proprietor to be refunded, or any deficiency to be made good.

35th. The Board of Revenue and the Board of Commissioners to be guided by any special orders they may receive from the Governor General in Council, to whom they are to apply in all cases unprovided for by the Regulations.

Zillah

1814 | SECTIONS

Prohibiting the Employment of Native Creditors of Public Officers.

REGULATION XXI.

Section 2d. Zillah and City Judges, Collectors of land revenue, and Salt or Opium Agents, not to employ, in any official situation on their establishments, any native creditor. The Boards and Provincial Courts, on receiving the reports prescribed by Regulation VIII. 1809, to satisfy themselves, that natives recommended to fill situations on the establishments of European Officers, under their control, are not the creditors of the latter.

3d. The foregoing rule to be equally applicable to relatives and dependants of such native creditors.

4th Rescinded by C. 3, Section 2, Regulation VII. 1823.

The

1814 | SECTIONS | REGULATION XXIX.

Settlement of the Ghautwally Mehals in Beerbhoom.

Section 2d. The Ghautwals in Beerbhoom, and their descendants in perpetuity, to be maintained in possession of their lands so long as they pay the rent, and not liable to any enhanced demands of rent.

3d. The Ghautwally lands to be considered as forming a part of the Zemindary of Beerbhoom; but the rents to be paid direct to the Assistant at Soory, or such Officer as may be appointed by the Board with the sanction of Government.

4th. The difference between the amount of revenue assessed on the Ghautwals, and the fixed assessment payable to Government, to be paid to the Zemindar of Beerbhoom, or his Successors, in perpetuity.

5th. On failure of the Ghautwals to discharge their stipulated rents, the Governor General in Council may cause their tenure to be disposed of at public auction, in satisfaction of the arrears due, or may transfer the tenure of the defaulter, as herein provided, subject to any increased or reduced assessment.

Periodical

1815	Sections	Regulation III.
Ghautwally Mehals.	Section 2d to 5th.	Periodical settlement in Cuttack continued.
	6th.	Zemindars not to be deprived, by any construction of this Regulation, of the benefit of the pledge conveyed in Section 4, Regulation XII. 1805, and confirmed by Section 3, Regulation X. 1812, relative to estates which may be in a sufficiently advanced state of cultivation for a perpetual settlement; and the Board to report to Government, any estates, which may be in condition for a permanent settlement.

One

SECTIONS	REGULATION II.
Section 2d extended. See Regulation V. 1816, Regulation I. 1817, Regulation I. 1818.	One or two persons to be appointed to execute the office of Canoongoes in each Pergunnah, in the districts of Shahabad, Tirhoot, Sarun, and Behar—exception in case of small Pergunnahs.
3d.	Individuals to be selected by the Collector for appointment, from the persons who before discharged the office, subject to the approval of the Commissioners, and shall not be removed except for sufficient cause, approved and sanctioned by the Commissioner, under the provisions of Regulation V. 1804, and Regulation VIII. 1809.
4th.	The office of Canoongoe not to be hereditary; but the Collector, in nominating persons for vacancies, shall, whenever practicable, select fit persons from the families of the former Canoongoes.
5th.	Canoongoes to receive fixed salaries, which shall preclude all claims to further remuneration of any sort, the amount of salaries to be determined by the Governor General in Council—All lands hitherto held by Canoongoes, in virtue of their office, in the Province of Behar, declared liable to resumption, the Governor General reserving the power

power of dispensing with this latter rule in such cases as may appear proper.

6th. The above rule not to be applicable to lands or claims to pensions, under grants made to individuals unconnected with the Canoongoe office.

7th. Duties to be executed by Canoongoes as follows:

C. 1st. To keep a Jumma Wasil Bakee, or accounts of collections made by Tehseeldars or Sezawuls of lands held Khas, or under attachment.

2d. To keep an account of all lands held under rent-free tenures, whether the grants be hereditary or otherwise, and to report to the Collector all escheats of such lands to Government.

3d. To keep a list of Putwarries in each village, and a register of Pottahs granted by the landholders to their under tenants.

4th. To keep a register of all transfers of estates, by sale, (public or private) mortgage, lease, or otherwise—and to attest such transfers,

at

at the request of the parties, with their official signatures, without fee or gratuity.

5th. To compile information regarding local boundaries of Pergunnahs and estates, the number and names of villages, articles of produce, rates of rent, rules and customs established in each Pergunnah; and to furnish, at the requisition of the Courts of Justice, and the Collectors, all local information within their cognizance.

6th. To assist at all admeasurements of land, whether undertaken by the Officers of Government in conformity to the Regulations, or by the landholders, or Ryots, and to record the same.

7th. To prepare and keep the information and accounts directed by this or any future Regulation, in such manner and form as may be, from time to time, prescribed *by the Commissioner invested with the control of the public revenue in the Province of Behar.*

See C. 2d, Section 3, Regulation III 1822.

8th. To report to the Collector the death of any Malgoozar, and the names of his heirs; and to keep a register of all successions to lands.

Persons

1816 | SECTIONS | REGULATION II.

For re-establishing the Office of Canoongoe in Behar.

8th. Persons holding the office of canoongoes, prohibited from holding farms or becoming sureties for farmers or zemindars within the local limits of their official duties.

9th. On the death, resignation, or removal of a canoongoe, the records of the office to be made over to his successor; and the magistrate of the zillah, on the application of the collector, to interpose his authority, if necessary, to enforce the surrender of such records.

10th. Parties refusing or evading to surrender such records at the requisition of the magistrate, liable to the penalties for resistance of criminal process.

11th. A power is reserved to the Governor General in Council to increase or decrease the number of canoongoes in each pergunnah, or of abolishing the office, where it may be deemed expedient.

12th. Collectors to report to Government, through the usual channel, when they may deem it expedient to increase or decrease the number of canoongoes; stating the reasons on which their suggestion is grounded.

The

1816 *For establishment of Canoongoes in Cuttack, Puttaspoor, &c.*

SECTIONS

Section 2d to 12th

Extended Regulation I. 1818.

REGULATION V.

The provisions of this Regulation are the same as Regulation II. 1816, but apply only to the district of Cuttack, and the pergunnah of Puttaspoor and its dependencies; and to the collectors of Cuttack and Hidgellee.

The

REGULATION VI.

SECTIONS	
Section 2d.	The existing settlement in Cuttack, and in the pergunnah of Puttaspoor and its dependencies, to continue in force till the expiration of the year 1226 Umlee.
3d.	Zemindars not willing to continue their engagements, to notify the same on or before the 1st July, 1816.
4th.	Zemindars failing to conform to the foregoing provision, will be held responsible for the revenue.
5th.	The settlement of the lands let in farm, or held khas, how to be adjusted, and with whom concluded.
6th.	Collector how to proceed in cases of recusance of the zemindar.

A commissioner

1816	Sections	
APPOINTMENT OF COMMISSIONER IN THE SUNDERBUNDS.	Section 2d.	**Regulation IX.** A commissioner to be appointed in the Sunderbunds, to be vested with the same authority as a collector, and to be subject to the control of the Board of Revenue.—The local limits of his authority to be fixed by the Governor General in Council.
1817		**Regulation I.**
AUTHORITY OF COMMISSIONER IN BEHAR.	Section 2d. See C. 1, and 2 Section 3, Regulation III. 1822.	The authority of the Commissioner in Behar and Benares extended to the districts of Ramgurh, Bhauglepore and Purneah.
		Regulation II.
EXTENSION OF REGULATION II. 1816.	Section 2d.	The operation of Regulation II. 1816, extended to the several pergunnahs in the district of Ramgurh, Bhauglepore and Purneah, which are comprized in the province of Behar, and usually designated the Fuslee Mehals of those zillahs.

Section

SECTIONS	REGULATION XII.
Section 2d.	Section 62, Regulation VIII. 1793; Section 3, Regulation IV. 1794; Section 9, Regulation XXVII. 1795; Regulation XXIX. 1803, and such parts of C. 4, Section 23, Regulation VII. 1799; Section 25, Regulation V. 1800, and Section 8 Regulation I. 1801, as refer to the appointment of Putwarries, are rescinded in so far as regards the ceded and conquered provinces, the provinces of Behar and Benares, and the District of Cuttack and Pergunnah of Puttaspore and its dependencies.
See Section 3, Regulation XIII. 1817, see Regulation I. 1818, and C. 2, Section 4, Regulation I. 1819.	
3d.	Every village to have a separate Putwarry, unless when otherwise, for special reasons, authorized by the superintending revenue authority.
4th.	Putwarries now in office, to be continued in their situations, subject to removal under the rules prescribed by this Regulation. Zemindars and holders of villages to furnish the Collectors, within three months, with the names of the villages, and of the Putwarries attached to each.
5th.	Zemindars or landholders to nominate Putwarries to villages, where none have been established, reporting their nomination to the Collector within the period prescribed.

Collectors

SECTIONS | REGULATION XII.

6th. Collectors to prepare a register of Putwarries in their respective districts.

7th. Vacancies in the office of Putwarry to be filled up by the Zemindar or Mulgoozar of the village, and the nomination to be reported to the Collector within one month after the vacancy—but such nomination to be conformable to any established usage of the village; and the Collector to see that the rights of inferior Putteedars or sharers of joint undivided estates, or under-tenants, as connected with the appointment of Putwarries, are duly maintained.

8th. If the Collector shall see no objection to the nomination reported by the Zemindar, he is to insert the name of the Putwarree in the register, otherwise to report the case with his objections for the orders of the superior revenue authority.

9th. The proprietors of joint undivided estates shall be jointly and severally

severally bound to supply the statement prescribed by Section 4, and to nominate Putwarries, as directed by Sections 6 and 7.

10th. Collectors to appoint Putwarries in estates held Khas, or under the superintendance of the Court of Wards.

11th. In case of refusal or omission to conform to the foregoing rules, the Collector, with the approval of the superior revenue authority, may impose a daily fine on the defaulter.

Explained. See Section 6, Regulation I. 1819.

12th. Zemindars or Mulgoozars, engaging with Government, wishing to remove a Putwarry, to state his reasons to the Collector; who will authorize the removal or otherwise, as shall appear proper.

13th. Zemindars, Malgoozars, &c., liable to a fine of Rupees 50, for the first offense, and Rs. 100 for the second, on removing a Putwarry without authority of the Collector; and if the Collector shall deem the removal unjust, *the Zemindar*, with the sanction of the Board, or superior revenue authority, will be liable to a daily fine until the Putwarry be restored.

Extended. Section 7, Regulation I. 1819.

Putwarries

14th. Putwarries may be removed by the Collectors on sufficient grounds on the representation of the under tenants.

15th. Collector to report to the Board, or superior revenue authority, for sanction any removals they may see grounds to recommend.

16th. The duties of Putwarries to be as follows:

1st. To keep such registers and accounts relating to his village or villages, in manner and form as heretofore the custom; or as may be prescribed by the revenue authorities; with such further accounts or registers as may be so directed.

2d. To prepare and deliver to the Pergunnah Canoongoe, at the expiration of every six months, a copy of the aforesaid accounts, shewing distinctly the produce of the Khereef or Rubbee harvests.

3d. To perform all other duties and services which it has been customary for him to execute.

17th. The Board of Revenue or Commissioners to determine on the in

in which the accounts rendered by the Putwarries, to the Canoongoes shall be brought forward and recorded in the Collector's Office.

18th. The Putwarries to be paid in the same manner as heretofore, whether in money, grain, or land—the Collectors to complete an account of the mode in which such payment is made in the different Pergunnahs, and submit the result to the Board or other superior Revenue authority; who shall be competent, with the sanction of the Governor General in Council, to reduce the amount of remuneration, or to alter or modify the mode of payment if sufficient reason exist.

19th. The Collector how to determine the remuneration to be made to Putwarries who may be appointed to villages where none before have existed.

20th. Putwarries not receiving the authorized or accustomed remuneration due to them at liberty to complain to the Collector, who will enforce payment, and may fine the offending party.

When

Sections	Regulation XII.
21st.	When the decision of the Collector shall be governed by usage, an attested report of the Canoongoe, as to the custom or usage in reference, to be inserted in the Collector's proceedings.
22d.	Collectors empowered to summon Putwarries when necessary; to require the production of all accounts kept by them; to examine them on oath as to their truth or other matters relating thereto; or regarding the lands, produce, rents, collections, and charges of the village or villages to which the Putwarry may belong.—In what manner Putwarries are to be summoned.
23d.	Putwarries neglecting or refusing to produce their original accounts, or to give evidence respecting them, may be apprehended by the process of the Collector, and lodged in the Civil Jail of the District until the required *accounts be produced*, or sufficient cause shewn for not doing so—the offender, in such cases, to be sent to the Zillah Judge, with a Robokaree of the Collector.
See Section 12, Regulation II. 1819.	
24th.	Putwarries in like manner to produce all their accounts when required

required by the Courts of Justice, or on failure or neglect may be committed to close custody.

25th. Collectors empowered to require the attendance of Putwarries, or any officer deputed to examine village accounts, and may grant a commission to swear Putwarries, specifying the name of each Putwarry to be sworn—and in case of refusal or neglect to attend on the deputed officer, or to give evidence, may be proceeded against by the Collector as under Section 23d.

See Section 24 Regulation VII. 1822.

26th. Putwarries, who may be convicted before the Court of Circuit of giving deliberately a false deposition on oath, liable to the prescribed penalty for perjury; and persons causing or procuring the Commission of such offence liable to the penalties for subornation of perjury.

27th. Putwarries fabricating, falsifying, or mutilating any village accounts; or furnishing such to the Canoongoe or Collector, liable, on conviction before a Court of Circuit, to the prescribed penalties for forgery; and persons causing or procuring such offence liable to be punished as principals.

The

1817 | SECTIONS | REGULATION XII.

Rules relative to the Office of Putwarree.

28th. The rules in the Regulations whereby proprietors and farmers of lands sold, or ordered to be sold of divided, or under attachment, are required to attend or cause their officers to attend the Collectors, or officer deputed by a Collector, with the accounts relating to such lands—and by which such individuals and their agents are declared responsible for the fidelity and accuracy of such accounts, remain in full force, unless distinctly rescinded, altered, or modified by this Regulation.

29th. Collectors are empowered to require the attendance of all Native Agents of Proprietors whose estates are about to be sold, transferred, or divided, and may examine such persons on oath as to their accounts, as by Sections 22 and 25, and on refusal or neglect to attend and give evidence, the Collector may proceed as against Putwarries.

30th. Rules contained in Sections 26 and 27, applicable to all such Native Agents.

31st. When a Collector may have occasion to require the attendance of any Proprietor of land, farmer, Gomastah, &c. in any case not herein provided for, to apply for the authority of the Board, or other

other controling revenue authority; who are empowered to authorize the Collector to require the attendance of such persons with all accounts relating to the lands under their charge or management.

32d. On such occasions the Collector to issue a written notice—what particulars to be specified, and the Boards are empowered to enforce compliance when necessary by imposing a daily fine, reporting the amount for the information of the Governor General in Council, and which, when confirmed, is to be levied as by process for arrears of revenue.

33d. In cases where from peculiarity of local or other circumstances the appointment of Putwarries may be impracticable or inexpedient, the Board, or controling revenue authorities may suspend the operation of this Regulation, provided that in such cases the proprietor or his agents furnish the Canoongoe with such accounts and statements as the Collector, with the sanction of the higher authority, may direct, and shall be subject to the provisions contained in Sections 22 to 27 of this Regulation—and the proprietors or others by whom such agents may be employed, shall likewise be subject to the provisions contained in Sections 26 and 27.

Courts

1817 | SECTIONS | REGULATION XII.

Rules relative to the Office of Putwarree.

34th. Courts of Judicature not to take cognizance of complaints of Putwarries against landholders, or the tenants of a village for refusal to remunerate his labors, nor of any complaint against a Collector for any act of or decision passed by him in virtue of this Regulation.

35th. Collectors to furnish periodical reports to the Boards of all judgments passed by them under Section 20 of this Regulation—and such judgments liable to reversal or alteration by those authorities at any time within six months after being passed.

36th. All Sums adjudged to Putwarries, or fines imposed under this Regulation are to be realized or received by the same process, as for arrears of revenue and fines when recovered to be carried to the account of Government.

The

1817	Sections	Regulation XIII.
Office of Putwarree.	Section 2d.	The Rules contained in Regulation V. 1816, extended to the districts of Midnapoor and Mehals subject to the Collector of Hidgellee—and Canoongoes to be appointed in the same manner, and for the performance of the same duties as prescribed by that Regulation.
	3d.	The Provisions of Regulation XII. 1817, are hereby extended to the district of Midnapoor and to the Mehals subject to the Collector of Hidgellee.

Rescinded

1817	SECTIONS	REGULATION XXIV.
COMMISSIONER IN BEHAR.	Sections 2d & 3d.	Rescinded by C. 2, Section 2, Regulation III. 1822.
	4th.	Regulation XIII. 1811, to be applicable to the Commissioners in Behar and Benares.
BOARD OF REVENUE.	5th.	In the event of the death, resignation, or unavoidable absence of a Member of the Board of Revenue, or of a Member of any Commission exercising the powers of that Board, a single Member of such Board or Commission competent to exercise all the duties and powers vested in such Boards collectively, as in the case specified in Section 4 of the above Regulation.
1818		REGULATION I.
APPOINTMENT OF CANOONGOES.	2d.	Canoongoes to be appointed in the Districts of the 24 Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge, in the same manner as provided by Regulation V. 1816, which is hereby extended to the districts aforesaid.
	3d.	The provisions of Regulation XII. 1817, are extended to the several districts above noticed.

The

1818 | SECTIONS | REGULATION V.

For the Appointment of a Commissioner in Cuttack.

Section 2d. The powers and functions hitherto exercised in Cuttack by the Courts of Appeal and Circuit, the Boards of Revenue and Trade, and the Local Committee of Embankments, are hereby suspended.

3d. A Commissioner to be deputed to Cuttack, vested with the powers heretofore exercised by the several authorities aforesaid, whether individually or collectively.

4th. Fouzdary. The Judge of Circuit now holding the jail delivery to complete that duty; but all future Sessions of jail delivery of Cuttack to be held from time to time by the Commissioner at such periods as he may judge most expedient for the public service.

5th. C. 1st. Dewany. Civil Suits depending in the Provincial Court in Calcutta to be transferred to the Commissioner, and such suits, as well as all Civil cases cognizable by the Commissioner, may be tried and decided at any place within the limits of Cuttack.

C. 2d. The pleadings and management of suits before the Commissioner, or other business of the Court not required to be conducted by

Sections	Regulation V.
	by regular pleaders, but may be conducted by the parties themselves or their Agents duly authorized; and it shall not be requisite that regular pleaders be attached to the Commissioner's Court.
C. 3d.	The Commissioner may admit persons to sue as paupers in his own Court, or that of the Zillah, without requiring the parties to fulfil the conditions specified in Sections 3 to 7, Regulation XXVIII. 1814.
C. 4th.	The Commissioner, also the Judge and Magistrate empowered to dispense with the rule contained in Section 19, Regulation XXVIII. 1814, when they may judge expedient.
C. 5th.	The orders and decisions passed by the Commissioner in Civil Suits, whether regular or summary, original, or in appeal, shall be final and conclusive, except in Suits appealable to his Majesty in Council—in such Suits an appeal shall lie to the Sudder Dewanny Adaulut.
6th. Fouzdarry.	The powers of the Nizamut Adaulut in regard to the administration of criminal justice in Cuttack, to continue in force.
7th.	The provisions of Regulation XXII. 1817, rescinded, and the Commissioner to exercise the powers vested in the Courts of Circuit and

and Appeal in regard to confirming the appointment and removal of the Native Officers of the Judge and Magistrate of Cuttack.

Commissioner in Cuttack.

8th. The Judge and Register of Cuttack empowered to hold their Court for the investigation of Summary Suits in any part of the district, and the Commissioner competent, with the sanction of Government, to employ the Registers or Assistants to the Judge and Magistrate on local duties in the Territorial Department, when it shall appear expedient.

The

SECTIONS

REGULATION X.

Section 2d. *

The whole or a portion of a Kist payable for any month, if undischarged on the 1st of the following month, to be considered an arrear of revenue.

3d.

Every proprietor or farmer of land, or other Government Malgoozar, to pay the instalments for each month on or before the 1st of the ensuing month, without waiting for the amount being demanded.

4th.

See C. 2d. Section 2, Regulation XI. 1822. †

In the event of any arrear being undischarged on the 1st of the month, the Collector either to issue a Dustuck by a Peon, or send a written notice requiring payment within a given period, reference being had to the distance, so as to allow a reasonable time to convey the money to the Collector's treasury—*In determining which course of procedure to adopt*, the Collector to use his discretion, with advertence to the credit and responsibility of the parties, or he may omit the written demand if he shall deem it unnecessary.

Should

* This Regulation is applicable only to the District of Cuttack and to the Pergunnah of Puttaspoor and its dependencies.

† The provisions of Regulation XI. 1822, would not appear to preclude the exercise of the discretion authorized by this Section in regard to the course of procedure to be adopted.

SECTIONS

Section 5th. C. 1st

REGULATION X.

Should the arrear not be discharged within the time allowed, or (where no written demand may have been issued) by the 10th of the month, the Collector to issue a Dustuck, and the Peons to bring the defaulter or his surety without delay to the Collector's Cutcherry. The defaulter may be kept under charge of Peons for 15 days if the arrear be not paid, or may be discharged on sufficient security to pay the arrear within the current Hindoo month. But if such security be not given, or the arrear paid, and the Collector shall not see sufficient cause for the defalcation, arising from calamity of season, or such like; he shall send the party to jail at the expiration of the 15 days, and shall apply to the Court, by motion, in writing—such motion how and where to be made, and what order to be passed by the judge thereon; and in all such cases it shall be optional with the Collector to attach the lands of the defaulter, and collect the rents according to existing engagements (unless evidently collusive) to the end of the year, or to allow the estate or farm to remain in charge of the agents of the defaulter: but in either

either case, if the net collections prove insufficient to discharge the arrear due, the estate shall be liable to sale by public auction.

C. 2d. The Collectors may also attach the estate of a defaulting proprietor or farmer, or malgoozar, or surety, without personal arrest, in conformity with the provisions of Regulation VII. 1799, in any month of the year.

C. 3d. Or may distrain and sell the personal property of the defaulter or his surety, either with or without the previous arrest of person or attachment of the estate, subject to the rules in force regarding distraint and sale for rents of under-tenants.

C. 4th. Or, without serving a written demand, may, at any time after an arrear has become due, advertise the lands of the defaulter or his surety for sale, reporting the same to the Board or other superior Revenue authority, but not to proceed to a sale without the express sanction of that authority; and no rule to be had recourse to, unless it shall appear indispensably necessary to secure the public dues; other authorized measures proving insufficient.

Should

SECTIONS

REGULATION X.

6th. Should a proprietor or farmer withhold payment with a view to benefit by the use of the money, the Collector to subject the defaulter to the payment of interest on the arrear at 12 per Cent.

7th. Collectors of Cuttack and Hidgellee, in instances of arrears occurring within those Districts or Pergunnahs, to be careful to ascertain the actual assets of the estate and the real causes of the arrear, and are authorized to suspend the exercise of the powers vested in them to enforce payment in cases which may appear to deserve consideration, reporting such without delay to the Board, or other controling Revenue authority for orders. In forwarding the monthly Towjee, the Collector to state particularly the number of cases in which he may have found it necessary to resort to the coercive measures above authorized, or in which he may have considered it expedient to suspend the exercise of such powers—and the Board, or other controling authority, to notice in their reports on the Towjee to Government, the attention or otherwise of the Collector to this important duty.

Nothing

1818 | SECTIONS | REGULATION X.

8th.

Nothing in this Regulation to affect the existing Regulations for the collection of the Revenues in Cuttack, except such as are virtually or expressly superseded or modified hereby.

Proviso.

The

SECTIONS

REGULATION XIII.

Section 2d.

The existing settlement in Cuttack and in the Pergunnah of Puttaspoor, and its dependencies, to continue in force till the expiration of the year 1229 Umlee.

3d to 5th.

Corresponding with the same Sections of Regulation VI. 1816.

6th.

The Lands of proprietors declining to engage under Section 3d of this Regulation, or of which no acknowledged proprietor shall be forthcoming, the Revenue authorities to adopt timely measures for ascertaining the assets, and may be let in farm for such period not exceeding 10 years, as the Governor General shall appoint; or may assume the direct management of them. The recusing Zemindar in such cases to be entitled to such Malikana as the Board of Revenue or Commissioners may direct, not being less than 5, nor more than 10 per Cent. on the net amount realized by Government, without the special sanction of the Governor General in Council, provided also that the Nankar allowances enjoyed by a recusing Zemindar under Regulation XII. 1805, be deducted from the Malikana authorized by this Regulation.

Section

1819 | SECTIONS | REGULATION I.

JURISDICTION OF THE COMMISSIONERS IN BEHAR AND BOARD OF REVENUE.

Section 2d.

See C. 2, Section 2, Regulation III. 1822.

Section 3d, Regulation XXIV. 1817, rescinded, and the Districts of Dinagepoor and Rungpoor re-annexed to the control of the Board of Revenue.

3d.
See C. 2, Section 3, Regulation III. 1822.

The Superintendance of the Revenues of the District of Goruckpoor vested in the Board of Commissioners in Behar and Benares.

APPOINTMENT OF CANOONGOES AND PUTWARRIES IN BENGAL.

4th C. 1st.

Canoongoes to be appointed throughout the provinces of Bengal, for the performance of the duties prescribed in Regulation V. 1816.

C. 2d.

Regulation XII. 1817, extended to the several districts in the Province of Bengal.

C. 3d.

Selection and appointment of Canoongoes in certain cases may be entrusted to other persons than the Collectors, if the Governor General in Council shall deem it expedient.

C. 4th.

Power reserved to the Governor General in Council to suspend the operation of the rules regarding Canoongoes and Putwarries in special cases.

C. 5th.

The Board of Revenue or other controlling revenue authority, competent

competent to make such alteration in the duties to be performed by Canoongoes, as local circumstances may suggest,—notwithstanding the provisions in Section 7, Regulation IV. 1808, and Section 4, Regulation II. 1816.

C. 6th. And may suspend the operation of Regulation XII. 1817, in certain districts and parts of the country.

5th. The Collectors competent to assume the direct nomination and appointment of a Putwarry in certain cases under the sanction of the Board or Commissioners—what points to be attended to by Collectors.

6th. In explanation of Section 11, Regulation XII. 1817, any refusal or neglect to furnish the statement required by Section 4, of that Regulation, within the period prescribed, or when subsequently called upon by the Collector or other authorized Officer, will subject the offender to a daily fine, at discretion, until the requisition be complied with.

The

1819	Sections	Regulation I.
Putwarries.	7th.	The penalties prescribed in Section 13, Regulation XII. 1817, for the illegal removal of a Putwarry from office by a Zemindar, applicable to all persons who may in any manner oppose the Putwarry in the execution of his public duties.

Regulation

Sections	Regulation II.
Section 2d C. 1st.	Regulation VIII. 1811, Regulation V. 1813, and Regulations XI. and XXIII. 1817, rescinded.
C. 2d.	Sections 12, 13, 14, 16 and 19, Regulation XIX. 1793, Sections 7, 8, 9, 11, 14, Regulation XXXVII. 1793, Sections 12, 13, 14, 16, 19, Regulation XLI. 1795, Sections 7, 8, 9, 11, 14, Regulation XLII. 1795, Sections 7, 8, 9, 11, 14, Regulation XXXI. 1803, Sections 8, 9, 11, 14, Regulation XXXVI. 1803, rescinded.
3d C. 1st. See C. 2, Section 10, Regulation I. 1824.	Lands not included in the Decennial Settlement, or for which a distinct Settlement may not have been concluded, are liable to assessment, excepting Lands held free of assessment under a valid and legal title—but Zemindars entitled to the benefit of the resumption of all Lands held under invalid titles, not exceeding 100 Beegahs in extent, in Bengal, Behar and Orissa, or 50 Beegahs in Benares.
C. 2d.	The same principle applicable to Churs and alluvian Lands.
C. 3	Also to certain Lands not permanently assessed, held under special Pottahs from the Collector, at the period of the Decennial Settlement.

The

SECTIONS

REGULATION II.

4th. The rules in Regulations XIX and XXXVII, 1793; and Regulations XLI and XLII. 1795; and Regulations XXXI and XXXVI. 1803, and Regulations VIII and XII. 1805, for determining the validity of grants for holding Lands exempt from the payment of revenue, applicable to grants for holding Lands under Mokurree or other tenures, limiting the demand of Government; but nothing in this Section to affect the rules contained in Regulation VIII. 1793, relative to the assessment of lands held under valid grants or leases of the above nature; or to alter the provisions contained in Regulation I. 1815, by which tenures of that description are liable to assessment on the death of the grantee.

5th C. 1st. Collectors to report to the Board, or other controling authority, for orders when they shall see ground to believe that any Lands are held free of assessment, or at an inadequate Jumma, under an invalid tenure.

C. 2d. If the Board shall authorize an investigation, the Collector shall cause a notice to be served on the party, stating the demand of Government, and requiring him to attend in person, or by Vakeel, within

within one month; and to produce all Sunnuds or writings in virtue of which he may claim to hold the Lands.

C. 3d to 6th. Rules for serving the notice.

6th C. 1st. If the notice cannot be served, a proclamation to be issued—what the proclamation is to contain, and a copy where to be fixed up.

C. 2d The Nazir's return how to be made; and if the party shall not appear, or shall refuse to answer, the case to be investigated, and to be decided exparté.

7th. In cases of Land supposed to be liable to assessment, the Collector fully to enquire into its condition at the period of the Decennial Settlement, or if alluvian, the period of its formation.

8th. Collector, with the sanction of the Board, may cause a survey or measurement to be made, when an enquiry shall have been authorized.

9th. In such cases the Collector may also summon Putwarries, and require accounts, and examine on oath.

And

Sections	Regulation II.
10th.	And with the sanction of the Board may require the attendance of the claimant to the Land with his accounts.
11th. C. 1st. See C. 2d. Section 19th, Regulation VII. 1822.	What notice to be served on parties whose attendance may be required under the foregoing Sections.
C. 2d.	Such notice to be served in conformity with Section 3, Regulation XIV. 1793, excepting the rule which relates to the payment of the Peon serving the summons.
12th.	Putwarries not producing or falsifying their accounts, or giving false evidence regarding them, or fabricating accounts, liable to the penalties prescribed in Sections 23, 26, and 27, Regulation XII. 1817.
13th. C. 1st.	The Lands may be attached if the holder shall refuse or neglect to furnish accounts within the period allowed, but the Collector, nevertheless, to make full enquiry into the title of the holder, and transmit his proceedings for the orders of the Board.
C. 2d.	Accounts not furnished to the Revenue authorities, shall not afterwards

afterwards be received in evidence in the Courts of Justice, in suits instituted to contest the decisions of those authorities; unless good cause be shewn and proof adduced that such cause was duly assigned to the Collector, or sufficient cause shewn for the omission.

C. 3d. See C. 2d, Section 19, Regulation VII. 1822.

Persons refusing or omitting to attend when duly summoned by the Collector, may be subjected to a daily fine by order of the Board; but the amount to be reported for the confirmation of Government, and when confirmed, to be levied by the same process as for arrears of revenue.

14th. Ditto ditto, and C. 3, Section 19.

Resistance of any authorized process, or attachment, or measurement of lands, will subject the offender, on proof, to the satisfaction of the Board, to a fine to Government—but if the fine shall exceed 500 Rs. the Board to report the case to Government, and not levy the fine without authority from Government.

15th.

When the parties attend and produce their title-deeds, the Collector to give a receipt for them, and after examining them, shall deliver to the party a statement of the grounds upon which he may consider the lands liable to assessment, with copies, on plain paper, of

Sections	Regulation II.
	of all documents on which his opinion may be founded, and require the party to give a written answer within seven days.
16th.	Collector to number and attest all documents produced by the party in support of their claim, and insert in his proceedings the title and number of such documents, so that no doubt may exist in regard to their having been exhibited before him; and before proceeding to judgment, the Collector to warn the party that no further documentary evidence will be received, either by the Revenue or Judicial authorities, without sufficient cause, and shall record his having done so in his proceedings.
17th.	On receiving the answer of the party, the Collector to summon and examine the witnesses for and against the claim, in presence of the party, or his agent.
18th.	Documents produced by the party to be carefully examined; and the party also to be allowed access to any documents in support of the claim of Government.

Collectors,

19th. C. 1st. Collectors, and Officers exercising the powers of Collectors, authorized to summon and examine on oath, or solemn declaration, witnesses whose evidence may be required; as provided by Section 4, Regulation IV. 1793, and Section 2, Regulation I. 1803, and Section 7, Regulation III. 1803, and C. 6. Section 25, Regulation VIII. 1803—but any witnesses who may refuse to be sworn, to be sent to the judge to be confined until he consent to give evidence.

See C. 2d, Section 19, Regulation VII. 1822.

C. 2d. Penalties for perjury, or subornation of perjury, in the existing Regulations applicable to such witnesses.

C. 3d. In addition to the penalties in Section 14, resistance of process under this Regulation punishable as for resistance of process of a Collector under Regulation XIV. 1793, Regulation VI. 1795, and Regulation XXVII. 1803.

20th. On closing his proceedings, the Collector to record his opinion in a Persian Robakarree, detailing the grounds on which it is founded, and whether the Lands appear liable to assessment or otherwise; and shall forward his proceedings to the Board or Superior Revenue authority, furnishing the party with a copy of his final Robakarree.

The

Sections	Regulation II.
21st. C. 1st.	The Board, or other superior authority, after calling for any further evidence which they may judge necessary, shall, on a day fixed by public notice in the office (not being less than six weeks) after hearing any thing which the party, if in attendance, may wish to urge, shall pass judgment, recording the same in a Persian Robakarree—and delivering a copy thereof on the requisition of the party.
C. 2d.	What the final Robakaries of the Collector and Board shall contain.
C. 3d.	If the decision of the Board be against the assessment, such decision shall be final, except on proof in a Court of Judicature of fraud or collusion in the previous enquiry.
C. 4th.	If the Land be declared liable to assesment, the Collector to apprize the party, and to proceed to fix the assessment on the principle of the general Regulations.
22d.	Parties giving security for the Jumma, and engaging to institute a suit within the period limited, shall be left in possession of the land; and a report to be made by the Collector to the Board. But in

SECTIONS	REGULATION II.
	in such case the party to produce his accounts of collections that the Collector may estimate the amount of security to be required.
C. 2d.	Collectors how to proceed if the party do not furnish the full security required.
C. 3d.	The Court may determine the sufficiency of the security tendered, and may direct the Collector to accept the same; but it shall rest with the Collector, under orders of the Board, to fix the amount for which the security shall be bound.
C. 4th.	Amount of the security how to be regulated.
C. 5th.	Also with regard to Mocurreerees.
23d.	If the party shall not give security, or, having given it, shall neglect to sue, the Collector to proceed to assess the lands.
24th. C. 1st.	Persons whose lands may be so assessed, entitled to sue within one year from the date of being apprized of the Board's decision; but after the expiration of that period, the decision of the Board to

Sections	Regulation II.
	to be conclusive, except the party shall shew good cause for the delay, in which case the limitation of time prescribed by the existing Regulations in regard to private claims to be applicable.
C. 2d.	The same rule to apply regarding limitation of time for the institution of a Civil Suit in cases of lands held rent-free resumed by authority of the Board under the provisions of *Regulation VIII.* 1811, *Regulation V.* 1813, *and Regulations XI. and XXIII.* 1817.
Rescinded by Section 2d of this Regulation.	
25th.	If the annual produce of the lands (after certain deductions) shall not exceed Rs. 500, such suits to be cognizable in the Zillah Courts; otherwise to be instituted in the Provincial Courts.
26th. C. 1st.	Suits instituted in the Zillah Court to be tried by the Judge, and a special appeal only shall lie to the Provincial Court.—The same rule to apply to suits decided in the first instance by the Provincial Courts in appeal to the Sudder Dewanny Adawlut, with exception to

to suits which, from their amount, may be appealable to His Majesty in Council.

C. 2d Provisions in Section 2, Regulation XXVI. 1814, not applicable to such appeals—what proceedings or documents to be examined by the Court to which a special appeal may be preferred, and what points to be considered in determining on the admission or rejection of the special appeal.

27th. Value of Stampt-paper and fees payable by parties instituting suits under this Regulation.

28th. C. 1st. Validity of Firmaans or Grants to be carefully ascertained; and not to be received in evidence by the Courts or Revenue authorities merely on the credit of the seal or other attestations impressed upon it, without other external evidence in corroboration of its authenticity.

C. 2d. Nor any deed to be received unless it shall have been duly registered under the provisions of Regulations XIX. and XXXVII. 1793.—Regulations XLI. and XLII. 1795, Regulation VIII. 1800,

Regulations

Sections	Regulation II.
	Regulations XXXI. and XXXVI. 1803, and Regulation VII. 1808; or unless sufficient cause be shewn for non-registry.
29th.	The general provisions of this Regulation applicable to cases in which the Collector may suspect the validity of original tenures of land, subsequently commuted for money pensions, noticed in Regulation XXIV. 1803, and Regulation VI. 1817.—but in what cases money pensions not to be resumed.
30th. C. 1st. See Regulation XIV. 1824.	Suits preferred by individuals in the Courts for rents of lands held free of assessment, as well as suits preferred by claimants to hold lands exempt from assessment, to be *referred immediately in their institution to the Collector for investigation;* and such persons to be at liberty to prefer their claims, in the first instance, to the Collector, stating the particulars of the claim, and grounds on which it may be founded, and the petition to be on Stampt-paper of the prescribed value.
C. 2d.	On receiving such petition, the Collector to serve the defendant with a written notice, requiring his appearance, with his Title-deeds.

On

SECTIONS

REGULATION II.

C. 3d. On the appearance of the defendant with his documents, the claimant to be allowed to inspect them, and shall be required to deliver in seven days a statement of his objections to their validity; and shall produce the evidence in support of his claim.

C. 4th The Collector shall then investigate the case and record his final judgment in the manner before directed.

C. 5th. In the conduct of such investigation the parties subject to the same rules regarding Stampt paper as in regular suits.

C. 6th. The Collector's proceedings in suits referred to him to be returned to the Court, with his sentiments recorded, as prescribed by Sections 20 and 21 of this Regulation, and the Court to decide the case after calling for any further evidence that may be necessary—but the Court not to receive, without sufficient cause assigned, any Sunnuds or documents, not produced before the Collector.

If

SECTIONS

REGULATION II.

C. 7th. If the claim shall have been preferred in the first instance to the Collector, the parties may appeal to the Zillah Court within 3 months from the date of decision.

C. 8th. The Judge on receiving the petition of appeal to call for all proceedings, and to investigate and decide the case as if it had been referred to the Collector.

C. 9th. In all cases in which the Government may be a defendant, or the Lands claimed shall form part of an Estate subject to a variable assessment, the Collector on closing his proceedings to submit them to the Board or other superior Revenue authority, for decision. If the suit shall have been referred to the Collector by the Court, the Collector to postpone his return to the reference until furnished with the orders of the Board—or if the claim shall have been originally preferred to the Collector the Courts not to interfere till the decision of the Boards shall have been passed. In all cases the decision of the Board to be recorded in a Persian robakarree, and transmitted to the

Collector

Sections	Regulation II.
	Collector for the information of the parties concerned. If the claim shall have been originally preferred to the Collector the decision of the Board may be appealed within 3 months to the Court by which the case may be cognizable.
C. 10th.	If no such appeal be preferred the decision to be final; and to be carried into effect by the Courts of Judicature on application of the party.
C. 11th.	The Courts also to carry into effect the decision of the Revenue authorities for the resumption of lands, notwithstanding such decision may have been appealed from; unless the party shall give security for the mesne profits of the lands that may arise pending the decision in appeal.
C. 12th.	From the decision of the Civil Court in cases decided by the Revenue authorities, a special appeal only to be admitted; excepting alway cases appealable to the King in Council.

This

1819 | SECTIONS | REGULATION II.

31st. C. 1st. This Regulation not to affect the rights of proprietors to waste lands which were included within the ascertained boundaries of Estates assessed at the perpetual settlement and subsequently brought into cultivation; all advantages arising from which having been then guaranteed to them.

Explanation. C. 2d. Neither shall any thing, in this Regulation, be considered to warrant the claim to additional revenue from lands permanently assessed in the plea of error or fraud.

SECTIONS	REGULATION VIII.
Section 2d.	Leases fixing rent in perpetuity, or for a longer term than ten years, declared valid, though executed while Section 2, Regulation LXIV. 1793, was in force.
3d. C. 1st.	Putnee tenures declared valid, transferrable and answerable for debt.
C. 2d.	Putnee Talookdars at liberty to underlet their Talooks, but such under tenures not to affect the right of the Zemindar to hold the superior tenure answerable for any arrear of rent.
C. 3d.	In cases of an arrear occurring in any tenure referred to in Clause 1st, it shall not be liable to be cancelled for the same under the rule contained in Clause 7, Section 15, Regulation VII. 1799, for leases conveying a limited interest; but shall be brought to sale by public auction, and the holder of the tenure entitled to any excess in the proceeds of the sale beyond the amount of the arrear due, subject to the provisions contained in Section the 17th following.
4th.	Inferior tenures held under similar title deeds, will be deemed to confer a similar interest to that provided for Putnee Talooks in Section 3d.

The

Sections	Regulation VIII.
5th.	The Zemindar not entitled to refuse to give effect to a transfer of a Talook, but may demand his fee, which shall be fixed at 2 per Cent. on the jumma, and the maximum fee Rupees 100. The Zemindar may also demand security from the transferree to the amount of half the annual jumma. These rules to apply to sales in execution of a judicial decree, but no fee to be paid by the purchaser in case of sale for arrears.
6th.	Zemindar may refuse to sanction the transfer till the fee and security be tendered; and the sufficiency of the security, if contested, to be determined by appeal to the Civil Court; but these rules not to apply to the transfer or alienation of any portion of a dependant Talook.
7th.	In case of purchase by public sale in execution of a judgment of the Court, or in satisfaction of arrears due—the Zemindar may attach the Talook, if security be not furnished by the purchaser, within one month, in conformity with Section 5th.—Attachments under this provision to have the effect of a trust for the benefit and at the risk

risk of the purchaser, who shall be entitled to any surplus collections, or responsible in person and property for any defalcation of rent.

8th. C. 1st. Zemindars to be allowed periodical sales of tenures in which the right to sell for arrears is reserved by stipulation.

C. 2d. First period and manner of sale; and forms to be observed.

C. 3d. Period and mode of procuring the second sale.

9th. Public sales to be conducted by the Register in Cutcherry, and under what rules for bidding—deposit to be made by the purchaser; and re-sale in cases of default.

10th. Forms to be observed in selling—Zemindar to certify the balance and service of the notice in the Mofussil.—The Zemindars exclusively responsible for the correctness and authenticity of the papers herein required to be exhibited.

11th. C. 1st. The tenure to be sold free of incumberance by any act of the defaulter, unless otherwise expressly stipulated in his engagements.

The

Sections	Regulation VIII.
	The tenure to be answerable to the Zemindar in the state in which he created it, unless any transfer or assignment shall have been made with his express authority.
C. 2d.	All under leases derived from the first holder to be cancelled with the original lease, unless authority to grant them shall have been specially transferred.
C. 3d.	But no purchaser to eject a Khodkasht Ryott, or resident and hereditary cultivator; nor to cancel bonâ fide engagements made with such tenants by the former incumbents; unless it be proved by a regular suit that such engagements were below the rent justly demandable.
12th.	The above rule to take effect retrospectively, provided that it shall not operate to the prejudice of any existing agreements between the purchaser of a Talook, and the lessees of his predecessor—

nor

Sales of Putnee Talooks for arrears of Rent.

nor shall the rule for fall of under tenures apply to any case of transfer or relinquishment of the tenure, except in cases of default stated.

13th. C. 1st. The following rules enacted to afford to under Talookdars, the means of saving their tenures by staying sale, in case of default of the superior Talookdar.

C. 2d. When a Talook may be advertised for sale under Clauses 2 and 3, of Section VIII, the inferior Talookdars may stay sale by paying into Court the balance declared due by the Zemindar, or his Agent in attendance, on the day of sale—or may lodge money antecedently and the sale shall not proceed.

C. 3d In case the money lodged shall be rent due to the superior Talookdar, credit to be given to the party making the deposit.

C. 4th. But if no rent be due from the party making the deposit, and the amount shall be lodged from private funds to stay sale, the deposit to be considered as a loan made to the proprietor of the tenure preserved from sale, and the property to be considered mortgaged as security

security for the same, possession whereof may be obtained on application; and the defaulter may again receive possession or re-payment of the sum advanced, with interest, or upon exhibiting proof, that the full amount of the advance, with interest, has been realized from the usufruct of the tenure.

14th. C. 1st. The sale not to be stayed, except the arrear claimed be lodged; but an action to lie against the Zemindar and Purchaser for a reversal of the sale, with costs and damages, if unduly brought to sale; in such cases the decree of the Court to indemnify the purchaser at the charge of the Zemindar.

C. 2d. If the arrear be contested, a summary investigation may be applied for by the defaulter, but if the suit be not decided by the day appointed for sale, such sale not to be stayed without deposit.

15th. C. 1st. Purchasers how to obtain possession—and remedy in case the Zemindar shall cause any delay of transfer on plea of insufficiency of security or other ground.

Remedy

1819 | SECTIONS | REGULATION VIII.

C. 2d. Remedy in case of opposition from the late incumbent or others; in such case a proclamation to issue from the Court.

C. 3d. In cases of further opposition, Police and other public officers to aid the purchaser in obtaining possession of his rights.

ARREARS DUE FROM UNDER TENANTS HOW RECOVERABLE.

16th. Under tenures held under engagements, similar to those executed between the Zemindar and Putneedar, not being voidable for an arrear of rent fixed upon them in perpetuity, parties to whom an arrear of rent may be due therefrom, must proceed according to the rules in Section 15, Regulation VII. 1799, and the general Regulations, to have the sale effected at the end of the year, in the same manner as heretofore—but all such sales to be public, and conducted by the Register of the Court under the rules of this Regulation; and timely notice of all such sales to be given.

17th. C. 1st. Proceeds of sales made under this Regulation to be disposed of as follows.

One

DISPOSAL OF THE PROCEEDS OF SALE.

C. 2d. One per Cent. to be carried to the account of Government for the purpose of meeting expenses incident to the sale.

C. 3d. The Zemindar's balance and expenses to be next made good, but no balances antecedent to the current year—any such to be recoverable only by a regular suit.

C. 4th. Remainder to be sent to the Collector's Treasury to answer the claims of under Tenants or Talookdars of the second degree.

UNDER TENANTS.

C. 5th. Under Tenants free to prosecute for the price paid for their interest, or compensation for loss sustained in consequence of sale—payment how to be made from the deposit if there be many claims which the amount in deposit may be insufficient to satisfy.

C. 6th. Provided that no action shall lie, if the under Tenant be himself in arrear at the time of the sale.

C. 7th. In case there shall be no claim in two months, or only a claim to

Modification of provisions for the recovery of arrears of Rent.

to a part of the amount in deposit, the defaulter to receive the excess unclaimed.

C. 8th. Any parties interested may substitute Government securities for cash in deposits.

18th. C. 1st. See Section 22, Regulation VII. 1822. The following rules enacted in explanation and modification of the provisions in Section 15, Regulation VII. 1799.

C. 2d After a summary suit for rent shall have been instituted (whether with or without previous arrest of the defaulter) attachment may be made by the Zemindar of his own authority, provided the arrear of rent shall have been due for one entire month; nor less in amount than the entire kist.

C. 3d. Summary decree to pass exparte in case of return non-inventus.

C. 4th After any arrear has been adjudged due by a summary suit, the Zemindar may cancel any lease, farm, or other limited interest between himself and the cultivator; but no summary award for arrears to subject real property to sale, except on account of Talooks noticed

Modification of the rules in force for recovery of arrears of Rent.

noticed in Section 3d—such property to be subject to sale only on obtaining a decree in a regular suit.

C. 5th Tenures of resident Ryotts not to be attached or cancelled for arrears—such arrears recoverable by process of arrest, distraint, or summary suit—and if the arrear be adjudged due at the end of the year, and shall not be paid, the lands may be otherwise disposed of to the exclusion of the defaulter.

19th. In addition to the rules in Section 15, Regulation XIX. 1817, it is hereby declared optional with Zemindars to take out summary process of arrest from the Court within the jurisdiction of which the tenure may be situated, or that in which the defaulter may reside—in the latter case, the process how transmitted to the Judge of the district.

See Section 22, Regulation VII. 1822.

The

1820 | SECTIONS

Sales of Talooks for arrears of Rent.

REGULATION I.

Section 2d. C. 1st. The rules of Regulation VIII. 1819, for periodical sales for the Zemindar's arrears of rent, in cases where the Zemindars shall have acquired the right of making such sale, shall be conducted after application by the Zemindar, by the Register of the Court, or other Officer of Government, as provided by that Regulation.

C. 2d Ten days notice of the sale to be given by proclamation.

C. 3d. The rules in Sections 9, 11, 13, 15, and 17, of Regulation VIII. 1819, extended to all sales made after the manner herein provided.

The

1821 | SECTIONS | REGULATION IV.

Collectors may be employed as Magistrates, or Magistrates as Collectors.

Section 2d. The Governor General in Council competent to authorize a Collector or other Revenue Officer to exercise the power of a Magistrate, and to invest Magistrates, or Joint or Assistant Magistrates with the powers of a Collector.

3d. C. 1st. Magistrates and other Judicial Officers, employed in the collection of the public Revenue, to take and subscribe the oath prescribed by Sections 25 and 26 Regulation V. 1804.

C. 2d. Collectors and other Revenue Officers, appointed to the discharge of Magisterial duties, to take the oath prescribed by Section 2, Regulation IX. 1793, and C. 1, Section 3, Regulation XIII. 1793.

4th. C. 1st. Magistrates and other Judicial Officers aforesaid, employed in the collection of the public Revenue, to be guided by the orders of the Boards of Revenue and Commissioners, and by the Rules and Regulations of Government.

C. 2d Collectors or other Revenue Officers, employed as Magistrates, to be guided by the Regulations, and by the orders of the Superior Courts.

5th. The Magistrates or Collectors when employed, as above authorized, to

Collectors may be employed as Magistrates, or Magistrates as Collectors.

to keep the records of their Judicial and Revenue Offices separate and distinct from each other.

6th. C. 1st. Such of the rules in force as declare the Collectors of Revenue to be amenable to the Zillah and City Courts for acts done in opposition to the Regulations applicable to Magistrates employed in the Collection of the Public Revenue.

C. 2d. But in the event of the Officer being himself Judge of the Zillah in which the act complained of was committed, the case shall be cognizable by the Provincial Court.

7th. In the institution of Suits for the recovery of the Public Revenue, a Magistrate or other Judicial Officer, not being himself in charge of the office of Judge to proceed according to the Regulations enacted for the guidance of Collectors.

8th. C. 1st. The Governor General in Council competent to cause such alterations in the limits of the several Collectorships, and in the number of Officers employed as Collectors, as may, from time to time, appear expedient.

C. 2d. Boards of Revenue and Commissioners empowered to depute Officers

SECTIONS

REGULATION IV.

Officers subordinate to them to exercise the powers of Collectors within such local limits as they may judge expedient; but to report such measure for the information and orders of Government.

C. 3d. Collectors authorized with the sanction of the Board to delegate to their assistants any part of their duties to which they may be unable to give due attention, but a report thereof to be immediately submitted by the Collector for the information and orders of the Board, or other superior Revenue Authority.

C. 4th. An assistant to a Collector to take the oath prescribed by Sections 25 and 26, Regulation V. 1804.

C. 5th. Assistants or other Officers exercising the powers of Collectors, to be guided by the Regulations, and to be responsible for the performance of their duties, and amenable to the Civil Courts.

Section

1822 *For altering the Jurisdiction and Constitution of the Revenue Boards.*

SECTIONS	REGULATION III.
Section 2d. C. 1st.	Sections 28, 29, 34, 35, 49, to 70, Regulation II. 1793, Section 26, Regulation V. 1795, and Regulation XXV. 1803, rescinded.
C. 2d.	Regulation I. 1816, Regulation I. 1817, Sections 2 and 3, Regulation XXIV. 1817, rescinded.
3d. C. 1st.	The Districts of Bhauglepoor and Purneah to be re-annexed to the control of the Board of Revenue, to be hereafter denominated the Board of Revenue for the Lower Provinces.
C. 2d.	The North and South divisions of Bundailkund, and the Zillahs of Allahabad and Cawnpoor, transferred from the Board of Commissioners in the Ceded and Conquered Provinces, to the Board of Commissioners for Behar and Benares, which is hereafter to be denominated the Board of Revenue for the Central Provinces.
C. 3d.	The remaining districts of the Ceded or Conquered Provinces to continue as heretofore, subordinate to the Board of Commissioners; which Board to be denominated the Board of Revenue for the Western Provinces.
4th. C. 1st.	Each of the Boards to consist of such number of Members as the Governor General in Council shall, from time to time, appoint.

Sittings

SECTIONS

REGULATION III.

C. 2d. Sittings of the Board ordinarily to be daily, Sundays and Holidays excepted.

C. 3d. The Boards to be guided, in regard to the form of their proceedings, by the orders of Government in cases where no special Regulations exist—and a power reserved to the Governor General in Council to fix the Sudder Stations of the Boards.

5th. C. 1st. Governor General in Council competent, by an Order of Council, to empower a single Member of any Board to exercise, either generally or locally, the duties and powers of the Boards collectively, whenever circumstances may render such an arrangement desirable; and may authorize the several Members separately to exercise, at the same time, such part of the duties as may appear requisite for the greater dispatch of business or other cause—but no single Member to reverse or alter a Collector's order without the concurrence of one or more of the other Members, unless otherwise specially authorized and directed by Government; nor shall any one Member reverse or alter any order passed by another Member; neither shall any

SECTIONS

REGULATION III.

any settlement, whether temporary or permanent, be held binding upon Government, until confirmed by the Governor General in Council.

C. 2d. When a difference of opinion shall arise between two Members of a Board, the question shall be determined by the voice of a third Member, or majority.

C. 3d. A single Member, when vested with separate authority, declared competent to proceed in the same mode as the Board collectively are authorized in regard to the appointment, removal, or punishment of Collector's Native Officers.—But if a Member acting singly shall differ in opinion from a Collector, or other functionary immediately subordinate to them, no final order shall be passed without the concurrence of another Member, unless specially ordered by Government.

C. 4th. The concurrent judgment of two Members of the Board necessary to the appointment, removal, or punishment of any of its Officers unless specially authorized by Government.

Single

SECTIONS

REGULATION III.

C. 5th. Single Members, when vested with separate authority, declared competent to suspend any officer; but the order for such suspension, unless in special cases, to be reported to some other Members of the Board, who, if a majority agree, may set it aside.

C. 6th. The Board, when applied to, may revise, rescind, and alter their decisions, provided that such application be made within three months, or sufficient cause shewn for delay; but no order or decision passed by as ingle Member, when vested with separate authority, shall be revised or altered unless two or more Members concur.

C. 7th. When the Members of the Board differ in opinion, and the voices on each side are equal, the Governor General in Council may appoint one or more temporary provisional Members for the determination of the matter at issue.

Regulation

To define and explain the Powers and Jurisdiction of the Court of Wards.

Section 2d.

Regulation LII. 1803, with the addition contained in Section 29, Regulation VIII. 1805, extended to the Province of Benares—and the Board of Revenue for the Central Provinces constituted a Court of Wards for that province under those rules, modified and explained as follows:

3d. C. 1st. The several Courts of Wards vested with a discretionary power to farm estates for ten years, or to adopt any other plan of management not involving a longer assignment—Farms of Lands heretofore made under orders of the Court of Wards, declared legal and valid, and to be so considered by the several Courts of Justice.

C. 2d. Farmers and others holding lands under the Courts of Wards, subject to the same rules as are applicable to persons in possession of similar tenures under the Collectors of Revenue.

4th. Courts of Wards authorized to refrain from interfering with Estates, in cases when their interference may appear unnecessary, but no Estate of a minor, which may have descended to him by inheritance, shall,

shall, during his minority, be sold for arrears accruing subsequently to his accession to the same. The Revenue Officers may, in such case, farm the Land for a period not exceeding 10 years; and may assume charge at any time of a minor's estate, though they shall originally have abstained from interfering

The

1822 | SECTIONS | REGULATION VII.

Extension of the existing Settlements in the C. P.—Cuttack, Puttaspoor, &c.

Section 2d. C. 1st — The existing Settlement in the Ceded Provinces to be extended, in certain cases, for a further period of five years, subject to the following provisions.

C. 2d. — So also in Cuttack in all cases wherein the Settlement may have been concluded with acknowledged proprietor, or persons possessing a permanent interest in the Mehal.

C. 3d. — Proclamations issued by the Board of Commissioners and Commissioner of Cuttack, notifying the proposed extension of the Setlement, sanctioned and confirmed; and Zemindars failing to noty their intention to relinquish their lands, under the said proclamaon, will be held reponsible for the Revenue for five years, until th expiration of the year 1234 Fussilee or Umlee, as the case may b

C. 4th. — The Districts of Gorruckpoor and Azimgurh excludedrom the operation of the foregoing clauses—the Zemindars and othe allowed to hold, from year to year, until a new Settlement shall bmade.

C. 5th. — The existing leases in Puttaspoor and its Dependenes to be similarly continued from year to year.

Zmindars,

1822 | SECTIONS

Renewal of Leases of Farmers, or Engagements of Zemindars.

REGULATION VII.

C. 6th. Zemindars, or other Mulgoozars, under engagements to Government, allowed to hold, after the expiration of their leases, to be responsible in each year for the same Revenue as demandable in the preceding year. Collectors authorized, with the sanction of the Board or Commissioners, at any time not exceeding six months, to require a Zemindar or other Malgoozar to declare whether they are willing to continue their engagements; and if the party shall not forthwith notify their refusal to do so, they shall be held to have agreed to such extension of their existing leases; and persons allowed to hold on, from year to year, not chargeable with additional Revenue, unless the Collector shall notify his intention to revise the assessment, on or before the commencement of such year.

Ed. Estates let to farm to be settled on the expiration of existing leases, for such period as the Governor General in Council may direct, not exceeding 12 years. A preference being given to the Zemindar or person possessing a permanent interest in the soil, if willing to engage

Renewal of Leases of Farmers, or Engagements of Zemindars.

engage on reasonable terms. The same rule to be applicable to Estates now Khas, or to cases of recusing Zemindars; or the Collectors may assume the direct management of such latter Estates, and retain for the period specified. But in cases in which the Revenue Authorities may be of opinion, that the continuance or admission of any Proprietor, or other individual, to engage, may endanger the tranquillity, or be otherwise detrimental to the welfare of the country, to report their opinion to Government, and the Governor General in Council competent to direct that such Mehal or Mehals be let in farm, or held Khas, under the limitation of the period above specified.

4th. Nothing in the above provisions for extending existing leases to bar the Revenue Officers from interfering to adjust the respective rights of the Sudder Malgoozars and their under-tenants: nor any claim to a remission or abatement of Revenue to be admitted on such ground, but if any order or decision, passed in behalf of an under-tenant, shall materially reduce the profits derived by the Zemindar,

or

Modified Rules relative to Malikana.

or Sudder Malgoozar; he may relinquish his engagements; and in such case the Revenue Officers to make a Settlement de novo.

5th. C. 1st. The provisions in the existing Regulations, relative to the allowances of Malikana and Nankar to be granted to Zemindars, rescinded.

C. 2d. Rate of Malikana to be allowed in each case to be determined by the Board or Commissioner. Amongst several proprietors of an Estate, held under one common assessment, to be apportioned according to their respective shares, but shall not, in any case, be less than 5 per Cent. on the net amount realized by Government; nor exceed 10 per Cent. without the special sanction of the Governor General in Council. But receipts on account of Nankar, or allowances granted by former Governments, to be deducted. And no Malikana to be allowed to Zemindars who may continue to occupy their Lands, or any part of them, while the Mehal in which they are included is let in

Modified Rules relative to Malikana.

in farm or held Khas. Nor without the special sanction of Government, to any Malgoozar or proprietor of Lands who may continue to draw any allowance from the Ryotts. Zemindars, not being actual proprietors, to receive only such allowance in lieu of their title to management as Government may deem equitable; nor any Malikana to be granted if the occupants deny the right of property of the claimant, until decided in a Court of Justice, or established to the satisfaction of the Board; but on the recommendation of the Board, Government will direct such intermediate provision for the support of the party as may appear proper.

C. 3d. Zemindars may be called upon to tender the amount for which they are willing to engage, and their Malikana allowance may be adjusted according to the amount of such tender, and not the Jumma which may be ultimately realized by Government; but in failure to tender any specific Jumma, the Malikana to be fixed on the net revenue realized by Government in the year preceding the requisition, not being less that 5, nor more than 10 per Cent.

The

Revision of Settlements, on what principles conducted by Revenue Officers.

Section 6th. C. 1st. The Revenue Officers may, with the sanction of the Board or Commissioner, revise the settlement of Estates, the Leases of which may be extended, under Section 2, during the continuance of such extended Lease; adopting any requisite measures for ascertaining the extent and produce of the Lands, and the amount of Jumma properly demandable from them, and for procuring and recording the fullest possible information relative to the rights, interests, privileges, and properties of the agricultural community.

C. 2d. The revision of the settlement to be made village by village, and Mehal by Mehal—and such number of Mehals to be revised in each year as the Board or Commissioner, with the sanction of Government, may direct.

C. 3d. The revision of the settlement not to disturb the existing engagements during the period to which they may be continued under Section 2; but such engagements to include only the villages and Lands specified in the proceedings or accounts of the settlement last concluded.—Any Lands withheld from the knowledge of the Revenue

Revision of Settlements, on what principles conducted by Revenue Officers.

Revenue Authorities at such settlement, may be separately assessed, and Revenue Officers revising the settlement, to exercise the same authority in adjusting the rights and privileges of under-tenants, as when assessing a Mehal open to a re-adjustment of the settlement.

C. 4th. Collectors in the Conquered Provinces and Bundlekhund, also competent to revise settlements during the existing leases.

7th. C. 1st. When the revision of a settlement shall have been completed in the Ceded Provinces or in Cuttack, the Collector, with the sanction of the Superior Revenue Authority and of Government, may grant a renewed lease for such further term of years, subsequent to 1234 Fussilee or Umlee, as the Governor General in Council may direct.

C. 2d. The Jumma demandable on account of years subsequent to 1234, shall be fixed with reference to the produce and capabilities of the Land,

Revision of Settlements, on what principles conducted by Revenue Officers.

Land, as ascertained at the time of the revision, unless under special circumstances justifying a prospective enhancement of the Government demand—but the amount of assessment not to be raised above the present Jumma, unless it shall clearly appear that the net profits arising from the Lands to the Zemindar shall exceed 1-5th of that amount—and when an increase may be demanded, the assessment to be so regulated as to leave the Zemindar a clear profit of 20 per Cent. No abatement to be allowed on the amount of the existing Jumma, unless on the clearest grounds of necessity.

C. 3d. Pottahs granted on revised settlements only to cover Lands specified therein; or in the settlement Robakarree of the Collector, with such allowance for error as may be distinctly declared—Zemindars therefore required to afford the fullest information in regard to the Ruckba of Mehals for which they may engage.

C. 4th. Renewed leases likewise to be granted in the Conquered Provinces and

Revision of Settlements on what principles conducted by Revenue Officers.

and Bundlekund, pending the existing settlement for a term of years subsequent to its expiration.

C. 5th In case a Zemindar, the settlement of whose estate may be revised, shall refuse to engage beyond the term of the current lease; or if, after revision, the Revenue Authorities shall judge proper to postpone taking further engagements, until the expiration of the current leases, it shall be competent to them so to do; and the rules contained in Section 3d to be held applicable to such Mehals.

C. 6th The same Rules applicable to Gorruckpore, Azimgurh, and Puttaspoor and its dependencies, as they may respectively become open to re-assessment.

8th. Where the waste lands in any Mehal shall be very considerable, exceeding what may be required for pasturage, the Revenue Authorities competent to grant leases for the same to any person willing to undertake the cultivation of the same in perpetuity, or for such periods as the Governor General in Council may determine, and to assign to the

Detailed Investigations by Revenue Officers.

the proprietor an allowance equal to 10 per Cent. on the Government Jumma of such leases, in bar of all claims whatever to or in the lands so granted.

9th. C. 1st. What detailed investigations to be prosecuted by Revenue Officers making or revising settlements; and what particulars their proceedings to embrace and record—the information obtained to be arranged and recorded so as to admit readily of reference by the Courts of Judicature, and all decisions of the Courts, on the demands of the Zemindar, to be regulated by the rates of rent and modes of payment as ascertained and recorded in the Collector's settlement proceeding until distinctly altered by mutual agreement; or after full investigation in a regular suit—and all cases or collections not taken into account in fixing the Government Jumma, to be held illegal, unless specially sanctioned by Government.

C. 2d. Officers making settlements may grant Pottahs, subject to the order of the Board or Commissioner to the Mofussil Zemindar or Ryotts, or

ISLE OF POTTAHS.

or other owners or occupants of Land for the Land owned or occupied by them, specifying the amount of rent, and conditions attaching to the tenure, and a register of all Pottahs so granted to form a part of the Robakaree of settlement.

CASES OF RENEWED ENGAGEMENTS WITHOUT A DETAILED SETTLEMENT.

C. 3d. But if, from the simultaneous expiration of many leases or other special cause, it shall be necessary to the security of the Government Revenue to take engagements from any Zemindar or other Malgoozar, without a detailed Mofussil settlement, or completing the detailed enquiries directed. The Boards competent to cause engagements to be taken as heretofore, reporting the circumstance to Government.—But the term of such engagements not to exceed five years, nor to bar an intermediate revision under the provisions of Section 2d.

10th. C. 1st. In cases where several persons holding interests of different kinds, may have separate properties in the same Lands; Government may determine which of such parties shall be admitted to engage for the Public

Settlement of Lands held in Joint Tenancy, or under circumstances specified.

Public Revenue, due provision being made for securing the rights of the remaining parties.—Government will also determine the manner and proportion in which the net rent or profit arising out of the limitation of the public demand, shall be distributed amongst the different parties possessing properties in Land settled in perpetuity, or for a term of years.

C. 2d. Mofussil settlement to be made in cases wherein the title of an intermediate manager between Government and the proprietors or the hereditary occupants of the soil may be maintained, if so authorized by the Board; and Pottahs to be granted to such persons.

C. 3d. Where several persons may hold a common property, or properties, subject to a common obligation, the Revenue Officers may make a joint settlement with, or on behalf of, the parties collectively; or of a majority of them, or may select one or more to manage the Mehal as Sudder Malgoozar.

C. 4th. The parties how to be summoned when a joint settlement is to be made.

Persons

Settlement of Lands held in Joint Tenancy, or under circumstances specified.

C. 5th. Persons wilfully failing to attend when summoned, to be bound by the decision of the majority who may attend, and to be responsible for the Revenue agreed to unless otherwise specially provided.

C. 6th. In cases in which any of the parceners object to the Jumma assessed, the engaging parceners shall be deemed to be farmers of the Revenue of the Lands belonging to the recusants, if their engagements extend to such Lands.

C. 7th. Proprietors cultivating Lands of which the Revenue may be collected Khas, or farmed, at what rates to pay rent.

C. 8th. When the settlement of a Mehal, held in common tenancy, or subject to a common obligation, shall be made with any one or more of the parceners selected as manager, or Sudder Malgoozar, the other parceners are to hold as subordinate proprietors, subject to the payment of rent or revenue to the Sudder Malgoozar, under certain provisions, the

the nature and conditions of the Sudder Malgoozars tenure, as well as of the subordinate proprietors admitted to separate engagements, to be specifically declared.

SETTLEMENT OF LANDS OF JOINT PROPRIETORS.

C. 9th. Lands separately owned and occupied, though hitherto held as one Mehal, may be separately settled—joint proprietors, or properties, subject to a joint obligation, may be divided on application made to the Officer revising the settlement, and, with the sanction of the Board, may be admitted to separate engagements.

C. 10th. Proprietors excluded from engaging, nevertheless entitled to have their names recorded in the settlement Robakarree, with the amount or rate of assessment demandable.

REGISTRY OF PROPRIETORS.

11th. Collectors forming such registry, to proceed on the basis of actual possession; and may correct errors or omissions of former settlements, by admitting to engagements persons in actual possession, or in receipt of rent under a proprietary title.

In

1822 | SECTIONS | REGULATION VII.

Provisions for guidance of Collectors in making or revising settlements.

12th. C. 1st In Estates held under Putteedarree, Bhyachara, or the like tenures, Collectors may, in certain cases, make a fresh allotment of the Revenue and charges payable by the several parceners.

C. 2d. And in certain cases may make a fresh partition of the Land, subject to the confirmation of the Board of Commissioners—but persons dissatisfied with the Collector's decision, may contest it by a regular suit in the Adawlut—but it shall not be competent to the Courts to interfere with the Collector's partition of the Lands, or the adjustment of the Jumma, if the right to a partition on the grounds of usage or otherwise shall be established, and if the decision of the Collector be set aside, the Jumma to be re-adjusted.

13th. Collectors not to disturb possession except in cases specially authorized, but to leave persons out of possession to establish any claim in the Courts of Justice.

14th. C. 1st. Collectors making or revising settlements, may declare the nature and

Rules for the guidance of Collectors in making or revising settlements.

and extent of interests possessed by persons occupying Land; recording the same in the settlement Robakaree—also may decide disputes as to the extent of interests belonging to any parcener in Bhyachara, Putteedarree, or the like tenures, recording and enforcing his decision, subject to an appeal to the Courts of Justice.

C. 2d. Collectors not to take cognizance, under the above rule, of any claim to larger profits or more Land than the claimant may have hitherto enjoyed or held.

C. 3d. The decisions of the Revenue Officers to be maintained by the Courts, unless proved to be wrong, in a regular suit.—The Courts not to interfere with the apportionment of Jumma, or allotment of Land made by a Collector.

C. 4th. Collectors, or other Officers, making or revising the settlements of a Mehal, in what cases may take cognizance of complaints of wrongful dispossession within such Mehal—and if the complainant shall appear

Complaints of wrongful dispossession cognizable by Collectors.

appear to have been in possession in the year preceding that in which the complaint is brought, and there shall otherwise be reason to believe that he has been violently or wrongfully dispossessed, or disturbed, the Collector may restore or confirm him, recording the grounds of his decision in a Robakarree, and the opposite party at liberty to try the question of right by a regular suit in the Adawlut. —The Collector may also adjust any disputes relative to claims to possession, which may arise within any Mehals of which he may be employed in making or revising the settlement, leaving the question of right to be determined by a suit in the Courts of Justice.

C. 5th. To what cases the above rule to apply; but not applicable if the complainant shall have executed any deed of relinquishment not extorted by force or menace—nor to any case in which possession shall have been lost or relinquished previous to the commencement of the year preceding that in which the complaint may be preferred.

In

1822 | SECTIONS | REGULATION VII.

SETTLEMENT OF RESUMED LACKERAGE LANDS.

15th. In settling resumed Lakherage Lands, the Collectors may take cognizance of claims to the property therein; and, with the sanction of the Boards, may give possession to parties appearing to have the best title, subject to an appeal to the Courts by a regular suit.—But this rule not to extend to Lands held under grants made by or at the request of the proprietor.

WHAT SPECIAL POWERS MAY BE VESTED IN COLLECTORS.

16th. The Governor General in Council may grant to Collectors, making or revising settlements, special authority to take cognizance of claims to the property and possession of Land, arising within any Mehal under re-adjustment of the settlement, and to give possession to the party appearing to have the best title, subject to the orders of the Board, and the revision of the Courts of Justice on a regular suit—provided, that when such special authority of Government shall be given, notice thereof shall be published by proclamation within the Mehals to which such authority may extend—no decision passed by the Revenue Authorities to be disturbed by the Courts of Justice on the plea, that the prescribed proclamation was not duly made,

Claims to Property in Lands held Lakherage.

made, unless that fact be established on a full and regular investigation.

17th. Collectors making or revising settlements, in what cases to take cognizance of claims to property in Lands held Lakherage, or at a Mocurreree Jumma, under grants of unquestioned validity, and may make a settlement with the claimants on behalf of the Lakheragedar or Mokurrereedar, or fix the amount Malikana to be received by them if divested of the occupancy or management of the Lands; provided that an appeal to the Adawlut shall be on the question of right of property; but the Courts not to alter the terms of settlement or the amount of Malikana fixed by the Collector.

18th. In cases of doubt, the Collectors to judge of the question of jurisdiction, subject to the orders of the Board and of Government, and the Courts not to disturb possession given by a Collector, except in a regular suit and decision as to right.

19th. C. 1st. Collectors prosecuting the above enquiries authorized to summon witnesses, and require the production of accounts, and may examine, on

COLLECTORS MAY SUMMON WITNESSES AND REQUIRE PRODUCTION OF ACCOUNTS.

on oath, or Hullef-nameh, to the truth of such accounts—or other matter relating thereto; but persons shall not be examined on oath in questions immediately touching their own interests.

C. 2d. Rules in Section 2, Regulation II. 1819, applicable to processes issued by Collectors under this Regulation—also to Putwarries and others summoned or examined in cases cognizable under this Regulation; and to all other persons upon whom process may be issued.

POWERS ORDINARILY VESTED IN COLLECTORS MAKING OR REVISING SETTLEMENTS.

20th. C. 1st. The powers specified in Sections 11, 12, 14, 16,* 17, 18 and 19, of this Regulation, to be *ordinarily** vested in Collectors making or revising settlements, and extend to all Lands comprised in the Pergunnah in which the Collector may be so employed, but the Governor General in Council competent to restrict the authority of Collectors or other Officers making the settlement in such manner, and to such extent as he may see fit,—such restriction being publicly proclaimed in

* Section the 16th, noticed in this clause, declares the powers therein specified are only to be exercised by Collectors, under special authority of the Governor General in Council.

WHAT POWERS MAY BE SPECIALLY VESTED IN COLLECTORS.

in the district,—The Governor General in Council may also vest any Collectors, who may be judged fit, with special authority to receive, try, and determine, in the first instance, subject to a regular suit in the Adawlut, all or any of the questions of the nature specified in the aforesaid Sections; though not engaged in making or revising a settlement of the Land Revenue—Also may vest any Collector either generally or within specified limits with powers to receive and decide summarily all suits regarding arrears or undue exactions of rent, or relating to matters of account between landholders and tenant—or complaints of non-delivery of Pottahs or Dakhelahs, and generally, all complaints relative to matters aforesaid.

PROCLAMATION.

C. 2d. The appointment of a Collector to discharge the above duties, and the extent of jurisdiction to be assigned him, to be notified by proclamation in the district; after which proclamation, all summary suits

SUITS COGNIZABLE BY COLLECTORS.

suits or petitions referring to Lands or Rents lying within the jurisdiction assigned to the Collector, whether at the time depending in, or subsequently preferred to the Adawlut, to be referred to the Collector for trial; or the parties may prefer them, in the first instance, to the Collector—the Governor General in Council also may fix, by proclamation, the period at which the exercise of such judicial powers by Collectors shall cease.

C. 3d. Collectors not to take cognizance of complaints specified in the preceding clauses, unless preferred within one year after the cause of action shall have arisen.

PROCESS AND RULES OF PRACTICE.

21st. By what Rules of practice the Collectors to be guided, and what processes to issue to cause the attendance of parties implicated.

22d. Sections 18 and 19, Regulation VIII. 1819, extended to all the provinces subject to the presidency of Fort William; and applicable to cases tried by Collectors under this Regulation: but process of arrest out of the jurisdiction of the Collector, to be served through the Judge of the Zillah.

Collectors

1822 SECTIONS

REGULATION VII.

CUTCHERRY.

23d. C. 1st. Collector's Cutcherry shall be held a Court of Civil Judicature, in so far as concerns the penalties for false testimony, resistance of process, contempt, &c.

DECISIONS OF COLLECTORS CONTESTED.

C. 2d. Provided that the regular suits which may be brought in the Courts to contest the decisions of the Collector, passed under the powers vested in them by Sections 11, 12, 14, 16, 17, 18, 19 and 20, shall be in the nature of an appeal to the Court, in its regular jurisdiction, from a summary award, and not necessary that the Collector or other Officer of Government shall be a party in the action.

EXECUTION OF AWARDS BY COLLECTORS.

C. 3d. Collectors authorized to execute awards made by them, and sums of money adjudged due to be realized by the same means as arrears of Revenue—but real property not to be sold in execution of summary judgments.—In giving possession of lands, houses, water-courses, or the like adjudged, the same powers may be exercised in regard to resistance or contempts as in giving possession to an auction purchaser, and the Zillah City Courts to aid the Collectors, who may place

Local enquiries and measurement of Lands preparatory to a Settlement.

place one or more Peons, or other such description of officers, to maintain the party in possession.

24th. C. 1st. Collectors authorized to depute a native officer to make any necessary enquiries in any village or Mehal preparatory to a settlement; and such native officer to have the power of summoning and examining Putwarries, Gomastahs, and others by whom the accounts of the village or Mehal may be kept, as provided by Section 25, Regulation XII. 1817, and may be empowered, by the Collector, to make a measurement of the village or Mehal, and to summon any Mocuddum, Ryotts, or other residents, and require them to point out the boundaries of the village or Mehal, and to furnish any other information required—Persons contumaciously withholding information required, liable to penalties in proof to the satisfaction of the Collector.

C. 2d. Resistance or obstruction to the legal process or order of a Collector, or other Revenue Officer, punishable in addition to the other penalties

RESISTANCE OF PROCESS OF A COLLECTOR.

PLEADINGS IN SUITS TRIED BY COLLECTORS.

penalties prescribed by the Regulations, by fine not exceeding Rs. 200, or imprisonment in the Civil Jail not exceeding two months—proceedings in such cases to be held by Collectors, and their sentence reported to the Board.

C. 3d. Police Officers are required to aid and support the execution of the process or orders of the Collector; and if any affray or breach of the peace arise from resistance, the parties so resisting responsible; but no responsibility to attach to the Revenue Officers.

25th. Parties in suits tried by a Collector, may employ any Vakeel or agent they may think proper—such persons how remunerated.

26th. No other pleadings to be required than a plaint and answer: but an amended plaint or answer, or an explanatory motion, may be received.

27th. Vakalutnamehs, and pleadings, and decrees to be on Stampt-paper of 8 Annas value—but no fees to be levied on exhibits or witnesses summoned—nor any written motion necessary on such occasions.

Collectors

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Decisions of Collectors appealable to the Board.

28th. Collectors may hear and determine suits in any part of their district; but in some place accessible to the public, and in presence of the parties or their agents.

29th. C. 1st. The decisions of Collectors appealable to the Boards or other superior Revenue Authority—the petition of appeal to be presented either to the Board or to the Collector, at the option of the party, and to be on Stampt-paper of value 2 Rupees—but not to be received after the expiration of three months from the date of the decision, unless sufficient cause be shewn.—In ordinary cases, the Board not required to go into an investigation of the merits of the case, but if the decision of the Collector, on a consideration of his final Robackarree, shall appear proper, may dismiss the appeal.—If a suit he dismissed by a Collector in default, the Board may direct a new trial; and may interfere its authority to correct neglect or delay.

C. 2d. No pleadings except the petition of appeal to be required, nor any fees to be taken on any further exhibits or documents the Board may call for.

If

SECTIONS	REGULATION VII.
C. 3d.	If the same Vakeels or Agents be employed, no further Vakalut or Mokhtar-namah requisite.
C. 4th.	Respondents to receive notice of appeal, but appearance not to be required, and the appeal to be decided notwithstanding his absence.
C. 5th.	The decision of the Board to be final as to the result of the summary enquiry of the Collector, and to be rendered in a Persian Robakarree on Stampt-paper of 2 Rupees value.
C. 6th.	Persons dissatisfied with the decision of the Board and Collector, may institute a regular suit, but the summary judgment of the Collector, if not reversed by the Board, to be nevertheless carried into effect.
30th.	Parties having claims cognizable by the Collector, and not wishing a summary trial, may, in the first instance, bring a regular action in the Adawlut.
31st. C. 1st.	On a regular suit being instituted in a Zillah Court, or appeal from the

the Collector, the proceedings held by that Officer to be called for and filed in the case.

C. 2d. But no such rent shall be cognizable by, or referable to, any Register, Aumeen, or Munsiff.

PERIODICAL REPORTS OF COLLECTORS.

32d. Periodical reports to be furnished by the Collector to the Board or Commissioners of all causes determined by them or depending before them; and the Board to furnish Government with such abstracts of these reports; and reports in the cases received and determined by them in appeal, as shall, from time to time, be required.

ARBITRATION OF SUITS.

33d. C. 1st. Collectors may refer to arbitration, with the consent of the parties, suits cognizable by them under this Regulation; and the award to be carried into execution. In referring such suits to arbitration, the Collector to be guided by the rules contained in Regulation XVI. 1793, and other corresponding enactments, and Regulation VI. 1813, and may vest in arbitrators the same power and authority as therein provided, in regard to summoning and examining witnesses, and

RULES RESPECTING AWARDS OF ARBITRATORS.

witnesses and the administration of oaths,—all awards made by such arbitrators, when confirmed by the Collector, to have the force and validity of a decree of the Court; and not liable to a reversal or alteration, except in proof of gross partiality or corruption; or shall extend beyond the authority given by the submission of the parties —such ground of impeachment being established in a regular suit in a Court of Justice.

C. 2d. In referring disputes to arbitration, the matter submitted for award to be distinctly specified; and may be returned for further award, if, in the first instance, the award be imperfect.

C. 3d. Pergunnah Canoongoes and Tehseeldars may be employed as arbitrators.

DISPUTED CLAIMS TO POSSESSION.

34th. C. 1st. Collectors exercising the powers herein provided, in regard to cases of disputed claims to possession, who may learn either from the Magistrate or otherwise, that a breach of the peace is likely to ensue, shall

DISPUTED CLAIMS TO POSSESSION OF LANDS.

shall require the contending parties to attend in person, or by representative, and after due enquiry, shall decide the case, and if the fact of previous lawful possession cannot be ascertained, the Collector, subject to the orders of the Board, to give possession to one of the parties, leaving the other to a regular suit. The Collector carefully to enquire into the fact of possession previously to decision; and the collector may attach the lands and collect the rents until one party shall be put into possession.

COMPLAINTS REFERABLE TO THE COLLECTORS.

C. 2d. Magistrates and Joint Magistrates required to refer to Collectors authorized to take cognizance of such suits—any cases of disputes regarding lands, premises, crops, water-courses, or the like, which may appear likely to terminate in a breach of the peace—and the Collector forthwith to investigate and determine the case—but in all cases of forcible dispossession or disturbance in possession, the Collector to transmit to the Magistrate, or Joint Magistrate, a copy of the

ENCOURAGEMENT OF ARBITRATION.

the first proceeding held by him in the case, and a copy of his final Roobakarre of award.

C. 3d. The Collector, in all practicable cases, to encourage arbitration.

TERMS EXPLAINED.

35th. The terms Board of Revenue and Board of Commissioners, as used in this or other Regulations, to what Officers to be considered applicable—and the Rules in this or other Regulations regarding Collectors, to apply to any other Officer exercising the authority of Collectors under orders of the Governor General in Council.

Section

REGULATIONS RESCINDED.

Section 2d. C. 1st.

REGULATION XI.

Sections 13, 25, 26, 27, and 28, Regulation XIV. 1793.—Sections 19, 29, 32, 33, and 34, Regulation VI. 1795.—Section 28, and Clauses 2, 3, 4, and 5, Section 29, Regulation VII. 1799.—Sections 3, 5, 6, 7, and 11, Regulation I. 1801.—Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, and 14, Regulation XXVI. C. 5, Section 17, and Sections 19 and 29, Regulation XXVII. 1803, and Regulation XVIII. 1814, rescinded.

REGULATIONS AND RULES MODIFIED.

C. 2d.

Regulation XII. 1796, and Regulation V. 1800, in so far as applicable to public sales for recovery of arrears of Revenue, with such parts of Sections 3, 24, and 25,* Regulation XIV. 1793.—Sections 7 and 31, Regulation VI. 1795.—Section 23, Regulation VII. 1799.—Section 31, Regulation XXVII. 1803, and of any other Regulations in force which prescribe the issue of Tullub Chities, Dustucks, or other process of demand on persons from whom arrears of Revenue, or other demand similarly recoverable, may be due, or which prescribe the attachment of lands before bringing the property of defaulter to sale—as well as such parts of the above-noticed or other Regulations, which restrict the powers of Revenue Officers in selecting lands for sale on account of arrears of public Revenue, or the period of sale; and which may not be re-enacted by this Regulation, are rescinded.

* See above Clause which rescinds Section 25, in toto.

Rules

1822 | SECTIONS

Sale of Lands for the Recovery of Arrears of Public Revenue.

PROCESS AUTHORIZED.

REGULATION XI.

C. 3d. Rules rescinded or modified by the provisions above recited, to continue repealed or modified as heretofore.

3d. C. 1st. Estates being primarily answerable by public sale for arrears of Revenue, as defined in Section 2, Regulation III. 1794, and the property of all persons under stipulations with Government, whether as proprietors, farmers, or managers, or their sureties, being likewise answerable for such arrears—Collectors of Land Revenue, with the sanction of the Board, or other superior Revenue Authority, entitled* to have recourse to this process for the realization of any arrear of Revenue, or interest thereon, or other Revenue demand, that may be due from parties so under engagements; whether any other Revenue process shall or shall not have been issued ;* and at any time of the year when the same may be unpaid, subject only to such Rules and

* This appears to leave a discretion with the Collector to proceed for the recovery of arrears as authorized by Section 3, Regulation XIV. 1793, and Section 2, Regulation XVIII. 1814, or by sale of lands, without other previous process—See C. 1st, Section 6, of this Regulation.

and restrictions as are specifically prescribed in this or any other Regulation.

C. 2d. Estates under the Court of Wards not liable to sale for arrears accruing while under the management of that Court.

C. 3d. Joint estates not liable to sale until the expiration of the year for arrears that may accrue during the progress of a Butwarra or partition; nor estates under attachment, by order of the Court, for arrears accruing during the period of such attachment.

POWER RESERVED BY THE GOVERNOR GENERAL IN COUNCIL. JOINT ESTATES. ESTATES OF WARDS.

C. 4th. The Governor General in Council may impose, on the Revenue Authority, such further restrictions in regard to the sale of lands for arrears of Revenue, as from time to time may appear necessary—and any sale made in contravention of an order or instruction issued by Government, though not voidable under the provisions contained in Section 5, may nevertheless be annulled by the Governor General in Council, within any time within three years.

Sales

REGULATION XI.

SECTIONS

RULE FOR THE GUIDANCE OF THE COURTS OF JUSTICE.

4th. Sales of land, for arrears of Revenue, to be made by Collectors or other authorized Revenue Officers, under the following Rules—and sales so made, and confirmed by the superior Revenue Authority, shall not be liable to be annulled, set aside, or altered, by any Court of Judicature, on any ground not involving the failure of one of the conditions hereafter declared essential to the validity of public sales: Any persons aggrieved by any act connected with such sales, not involving such failure, may have his remedy on a personal action for damages against the individual by whom, or at whose fault, he may have been endamaged.

CONDITIONS OF VALIDITY OF SALE.

5th. The conditions of the validity of a public sale, for arrears of Revenue, are as follows:

1st. Either that the lands or Mehal sold, form the estate on account of which the arrear has accrued, or one parcel of such estate, and shall be liable to sale, consistently with the principle and provisions declared in this Regulation; or being the property of the defaulter

or

or his surety, shall have been especially pledged to answer the demand in arrear.

2d. That permission to make the sale shall have been received from the Board, or other controling Revenue Authority, previously to the day of sale.

3d. That due notice of the demand and intended sale; as well as of the time and place of sale, shall be given, as hereinafter provided.

4th. That some part of the amount demanded in the notice, or of the interest payable thereon, shall be due at the time of the lot being put up.

5th. That the sale shall be made at the time and place stated in the advertizement; and with due publicity and freedom as hereinafter specifically directed.

6th. C. 1. When a Collector shall deem it necessary to resort to a sale of lands for recovery of arrears of Revenue, he shall transmit to the Board, for sanction, a statement of the lands—what particulars it is to specify,

specify, and information to be furnished if a portional assessment on the Lands is to be fixed—also a copy of the notice of sale to accompany.—The Board, on receiving such statement, will determine on the propriety of resorting to a sale—and will either authorize the Collector to sell, if it shall appear necessary, or may direct the Collector to postpone the sale, causing notice to be given thereof, and may, from time to time, repeat such postponement.

C. 2d. If any alterations be directed by the Board in regard to the Mehal to be sold, its Jumma, or place of sale; a fresh Lolbundee and a new publication to be made.

C. 3d. Sales of Land not liable to be annulled on the ground of informality or omission in communications between Collectors and the Board, provided authority to sell has been given.

7th. C. 1st. If the arrear shall have been due not less than fifteen days, the Collector

lector may issue notice of sale, without the delay of a previous reference to the Board for sanction,

C. 2d. In what languages the notice to be written, and what particulars to specify.

C. 3d. A copy of the notice to be affixed up in the Cutcherry of the Collector and the Court—a third copy to be sent to the Board to be published in the office of the Secretary—one copy also to be published in the estate at the Cutcherry or Residence of the Defaulter —or Cutcherry of the Canoongoe, Tannahdar, or Munsiff in the manner herein directed.

C. 4th. What publication shall be deemed sufficient for the validity of a sale—notice to be received by the judge thirty days prior to the date of the sale and twenty days previous notice in the Mofussil.

C. 5th. Collector to follow the course prescribed by C. 1, Section 9, Regulation XV. 1816, in case the registered proprietor of an estate to be sold, be a native officer or soldier on the military establishment, and

and shall have notified the circumstance to the Collector as required by that clause.

8th. C. 1st. In case of the postponement of sale, what further notice to be issued by the Collector.

ADJOURNMENT OF SALE TO BE NOTIFIED.

C. 2d. Any adjournment of sale which the Collector may find it necessary or expedient to make, from any of the causes herein specified to be notified in the original advertisement in his Cutcherry; but if such adjournment be made after a bidding has commenced, but before the lot be knocked down, the Collector to record the last bid in a proceeding; and on the ensuing day of sale the lot to be put up at the same bid unless formally retracted, or the bidder, after being thrice called, shall not be forthcoming.

9th. The foregoing principles in what manner applicable to sales made prior to the enactment of this Regulation.

ARREAR TO BE ASCERTAINED.

10th. C. 1st. The Collector to ascertain that an arrear is due before proceeding to a sale: and if the arrear be denied, the Collector may still proceed to a sale, unless the sum be paid in, or Government Securities be

RULE FOR THE GUIDANCE OF THE COURTS.

PAYMENT OF ARREAR.

be tendered; or the judge shall certify that the amount has been deposited in Court.

C. 2d. But if the sale be made at the office of the Board, payment of the arrear in the Zillah, not to stay or invalidate the sale, unless made in time to admit of intelligence thereof being previously communicated to the Board by the ordinary dawk—or unless the party shall produce a certificate of such payment or deposit under the seal or signature of the Collector or Judge.

C. 3d. Parties paying or depositing the amount demanded may sue, under Section 23, of this Regulation, provided they at the time denied the justness of the demand in writing—but no sale to be set aside by a Court of Judicature on plea that no arrear was due, unless such plea shall have been preferred to the Collector or Board previously to the Sale: or to its confirmation by the latter authority—or sufficient reason shewn for omission—but no claim by the Zemindar, against Government, in any way to affect the rights of Government, and of its Officers summarily to enforce payment of Revenue by a sale

SALE WHERE AND HOW CONDUCTED. RULE FOR THE GUIDANCE OF THE COURTS.

SECTIONS

REGULATION XI.

sale of lands, or property of any party under, so long as any part of the assessment shall remain undischarged.

11th. Nor any sale to be annulled on plea that the arrear demanded accrued while the engager or his representative was divested of possession and management of the estate sold, by the act of any individual, or under any order of a Court of Judicature; or by the estate being attached by the Collector, under the powers vested in him by the Regulations.

12th. Sales shall be made at the place and time specified in the advertisement. If made at the office of the Board, to be conducted by the Secretary or other person duly empowered.—If the Sale be made in the Zillah, to be conducted in the Cutcherry of the Collector, and in his presence or that of an officer duly authorized—but during the sale the Collector to cause a flag or other intimation to be given at the entrance of the place where the sale is conducted.

The

Sections	Regulation XI.
13th. POINTS TO BE ASCERTAINED BY COLLECTORS AT BIDDING.	The bid of every person to be received, but prior to knocking down the lot, the Collector to call on the last bidder to satisfy himself on the following points: 1st. That the bidder has the means of making the deposit hereafter directed. 2dly. That he is not the defaulter, or an officer of his own establishment, or a person acting in behalf either of the defaulter or such officer. 3dly. That the person or persons named is or are the real bona fide purchasers on their own account and risk.
14th. C. 1st. DEPOSIT BY BIDDERS AT THE SALE.	A deposit of 15 per Cent on the amount bid, or such other rate as the Board or other superior Revenue authority may, from time to time, direct, shall be required by the Collector from the party to whom the lot may be knocked down, immediately on conclusion of the sale, or as soon after as the Collector may think necessary.

If

Sectoins	Regulation XI.
C. 2d. FAILURE TO MAKE DEPOSIT.	If the deposit be not paid when required, the lot to be again put up, at the next highest offer which the bidder shall be bound to maintain by tendering the prescribed deposit—on failure, the Collector may have recourse to the next highest bidder; but it shall, at all times, be competent to the Collector, instead of concluding the sale with the next bidder, to commence de novo.
C. 3d.	Bidders at public sale failing to make the required deposit, liable to a fine by the Collector not exceeding Rupees 100—and if not paid, the defaulter to be confined in the Civil Jail for a period not exceeding 15 days.
15th. C. 1st. DISCRETIONARY POWER OF COLLECTOR.	The Collector may refuse to conclude a sale with the highest bidder, if he shall see reason to believe that the party is bidding for the defaulter; or has given in a fictitious name, and not that of the true purchaser.—In such cases to hold a proceeding in the Persian language, stating the grounds of his belief, and reasons for disallowing the purchase, and the party so unlawfully bidding liable to

Sale of Lands for the Recovery of Arrears of Public Revenue.

TERM OF DEFAULTER.

APPEALS TO THE BOARD BY PERSONS WHOSE BID HAS BEEN DISALLOWED.

to a fine equal to the deposit that would have been payable, or such other fine (not exceeding that amount) as the Board, on the Collector's report, may see fit to impose, and all such fines recoverable by process for recovery of arrears of rent from Sudder farmers and their sureties.

C. 2d. Persons whose purchase is disallowed by the Collector may appeal to the Board; and provided he give a written protest to the Collector, claiming the lot before the breaking up of the Cutcherry, or at the next sitting of the Collector; or petition the Board within 24 hours, the Board may direct that the sale be concluded, with the party disallowed, to the prejudice of any other purchaser at an inferior price.

16th. The term defaulter to be understood to designate the person with whom a settlement has been made by Government or his representatives; and not to include persons possessed of distinct properties at the time of the settlement, but paying their Revenues through the

the recorded Malgoozars, unless expressly declared responsible to Government.

17th. No sale shall be liable to be reversed in plea of dis-allowance of purchase by order of the Revenue authorities; nor any action to be against Government on account of such order or proceeding of the Collector or Board.

18th. Should a Collector see reason to believe that the purchaser is an Officer in his establishment; or in any way connected with the management of the collections of the Zillah or Pergunnah within which the lot may be situated, he shall, nevertheless, conclude the sale, and realize the purchase-money—having recourse, if necessary, to the process for realizing arrears due from Sudder farmers or their sureties, and shall institute an immediate investigation, and submit the result of his proceedings to the Board, who will determine whether the fact be established or otherwise.—If the Board deem the fact

fact proved, they will report the circumstances to the Governor General in Council, who will direct the confiscation or other disposal of the lot—the amount purchase-money to be credited to the defaulter; and if the purchaser contest the fact of his being a person prohibited from purchasing, he may have his remedy by an action at law, for the recovery of the amount paid into the treasury with interest and damages.

19th. If after conclusion of the sale, and before the confirmation of the Board, or delivery of possession, the Collector shall see reason to believe the purchase to be Benamee, he shall stay delivery of possession, and institute an investigation, communicating the result to the Board, who may annul the sale, and direct the lot to be re-sold, and impose on the purchaser a fine not exceeding the amount of deposit.

20th. C. 1st. After a sale shall have been confirmed, and possession given, the purchaser not liable to be dispossessed on plea of illegality of the purchase, except by a decree of Court in a regular suit.

In

SECTIONS

REGULATION XI.

C. 2d. In case of discovery of a Benamee purchase, or purchase by a defaulter, after possession has been given, and the fact being established in a Court of Justice (of which, if at the suit of an individual, information is to be given by the Court to the Collector) the Collector, with the sanction of the Board, may impose on the offender a fine not exceeding 25 per Cent. on the amount of the purchase-money; or if it shall appear advisable, and two years shall not have elapsed from the date of sale, may cancel the sale, and dispossess the purchaser or his representative in possession, returning 3-4ths of the price realized at public sale.

C. 3d. In like manner, if after possession has been given, it be proved that the purchase was made by a Revenue officer (by whomsoever the suit may have been instituted) the Court passing the final judgment, whether in appeal or otherwise, shall forward the Decree to the Governor General in Council, in order that the estate may be declared

declared confiscated, or otherwise disposed of, at the pleasure of Government.

21st. C. 1st. If the entire amount of the purchase-money, at a public sale, be not made good within ten days, the Collector may notify, that the estate will be re-sold on any subsequent day ordered by the Board, and unless the purchaser shall satisfactorily explain the default, the estate to be re-sold at his risk—the deposit also to be forfeited.*—The first purchaser to be held responsible for any deficiency on the re-sale; if there is an advance of price on the re-sale, the amount to be carried to the credit of the defaulting proprietor of the estate.

C. 2d. Or the estate, instead of being re-sold, may, with the sanction of the Board, be restored to the original proprietor, on certain conditions.

When

* Query—to Government, or to be carried to the credit of the defaulter?—It is presumable the former, though not so specified.—See latter part of Section 18, of this Regulation, and Preamble to Regulation XII. 1796, and Regulations therein noticed.

Regulation XI.

Sections

DISPOSAL OF THE PURCHASE MONEY.

22d. When the purchase money shall be realized, all balances due from the estate to the day of sale, with interest and charges, to be first made good therefrom; the residue to be paid to the defaulter—the purchaser responsible for the entire Kists due on account of the month in which the sale is held, (unless otherwise stipulated) and for all subsequent Kists, and all under-tenants prohibited from paying rent for the month in which the sale is made, to any person not authorized by a certificate or Umul-nameh from the Collector to collect the same.

ARREARS DUE FROM DEFAULTING TENANTS.

23d. Arrears due at the time of sale from under-tenants to a defaulter, shall be recoverable by a suit in Court, but may be transferred to the new proprietor, who may proceed against defaulting tenants for such arrears.

24th. C. 1. When the amount of purchase money shall have been realized, the Collector to report the sale to the Board for confirmation, and no sale

VALIDITY OF SALE MAY BE CONTESTED BY PROPRIETORS.

sale shall be deemed absolute, or entitle the purchaser to possession until such confirmation shall be received.

C. 2d. If the party, whose lands may have been sold, shall desire to contest the sale, he may petition the Board within thirty days from the day of sale, until which date the Board not to issue any final order of confirmation; and the Board may allow a further term, if necessary, for the purpose of investigation prior to confirmation.

C. 3d. The Board, on perusal of the Collector's proceedings or petition of the party, may withhold confirmation of the sale if they shall see sufficient ground, and may annul the sale, or may postpone their final orders from time to time, pending any necessary investigation of the case.—The orders of the Board for annulling a sale shall be conclusive.

25th. The validity of a sale, though confirmed by the Board, may be contested by the former proprietor by a suit in Court, and the Court

SECTIONS

REGULATION XI.

Court may annul the sale on proof that any of the prescribed conditions, essential to its validity, were not observed, but the Courts shall not receive any such plea, unless it shall have been urged by the party in his petition to the Board; or his failure shall be satisfactorily accounted for.

26th. The suit to be dismissed, if a failure of some condition of validity be not proved; but the Court may adjudge damages to the Plaintiff for injury sustained by any irregularity, or the like, and declare whether Government, or the Collector personally, or any of his Officers shall be liable for the same.—The Court may also certify cases of hardship to the Governor General in Council, with a recommendation that the estate be restored, submitting a statement of the compensation it may appear equitable to allow to the purchaser; recording the same with the reasons for it in the Decree—and if the judgment be not appealed, the Governor General in Council may

may cause the estate to be restored to the Plaintiff, on his making the compensation recommended.—But if the case be appealed by the purchaser in order to contest the propriety of the recommendation, Government will suspend its decision until a final judgment be passed; but if merely the adequacy of the compensation be contested, Government may order the estate to be restored to the former proprietor, on payment of the compensation adjudged to the purchaser—and the appellant entitled to a judgment on the question of the amount of compensation alone, and the estate shall be held to be mortgaged in security for the eventual judgment.

27th. C. 1st. The validity of a sale not to be contested by a party who has received any portion of the purchase money.—Nor any part of the sale proceeds of an estate be liable for the debts of the late proprietor whilst the validity of a sale shall be under contest—but the purchaser, or others interested, may apply to the Collector or Board to

CASE OF REVERSAL OF SALE.

to have the excess of proceeds of sale, beyond the Government demand, vested in Government Securities; to be delivered, with interest, on the final decision of the suit, to the person entitled to the same. But if no such application be made, interest shall not be demandable on the unappropriated excess in deposit.

C. 2d. If a sale be reversed by a decree of the Court, by reason of any failure in the prescribed conditions to validity, the estate not to be restored until the amount of the arrear due at the time of sale, with interest, be made good, and interest on the purchase-money to be restored by Government to the purchaser, at the same rate as receivable from the defaulter.

PROCESS FOR GIVING POSSESSION.

28th. C. 1st. What process to be observed by a Collector on giving possession on receiving the Board's confirmation of a sale—statements to be published; and if further measures be necessary, the Collector to apply to the Judge of the Zillah, and possession to be given as in case of a decree.

In

CASE OF DIFFICULTY OR OPPOSITION IN GIVING POSSESSION.

SECTIONS

REGULATION XI.

C. 2d. In certain cases of difficulty, or opposition in giving possession, the Governor General in Council competent to direct a local enquiry, by special commission, into any opposing claims adduced, in order to decide what lands shall be delivered over to the purchaser—the Commissioner shall determine summarily the points at issue, leaving any party, dissatisfied with his award, to institute a regular suit against the opposite party; and the decision of the Commissioner to be maintained by the Courts until reversed by a regular decree—such commission to be a Civil Court, and have jurisdiction as such, unless otherwise provided.

C. 3d. Any disputes between the late proprietor and purchaser, as to the extent of property conveyed by sale, to be settled by means of a regular suit in Court.

C. 4th. Disputes between the purchaser and a third party, on the plea that the land delivered to the purchaser formed no part of the property

property liable for the Government Revenue, to be similarly determined, and the claimant at liberty to sue the former possessor and purchaser of the Mehal jointly.

29th. Where an estate of a defaulter or his surety may be sold on account of arrears accruing in another Mehal, whether the land be sold as Malgoozaree or Lackherage, the purchaser to be held to have acquired the rights, interests, and title possessed by the said defaulter or his surety.—But in case of an estate being sold for the recovery of any part of the Revenue assessed upon it, no claim, founded on any act of the original engager, shall impugn the right of the Revenue Authorities to make the sale, or to affect the title and interest conveyed to the purchaser by sale, as possessed by the engaging party at the time of the settlement. But estates of which Government may have acquired or assumed the property subsequent to the settlement, and conveyed the same to another, the estate to be held subject to all just claims to which it was liable at the time of

Sale of Lands for the Recovery of Arrears of Public Revenue.

CLAIMANTS TO LANDS ABOUT TO BE SOLD FOR ARREARS.

of conveyance, provided that a party claiming a proprietary right in any Mehal which may be brought to sale from the party in possession failing to discharge the Revenue, the claimant (if he shall have sued) may make application to the Court to be put in possession of the contested Mehal, on paying the arrears, with interest and charges, and giving security as herein-after provided. The Judge to give notice to the defendant of such application, and if the arrears be not discharged within a fixed time prior to the sale, the Judge to receive the amount tendered, and put the plaintiff in possession, subject to the rules for taking security in cases of appellants and defendants, contained in C. 4, Section 11, Regulation XVIII. 1808, transmitting the amount received with the necessary precept to the Collector.

30th. Under-tenures derived from defaulting Zemindars, or their predecessors, being the representatives of the original engagers with Government, liable to be avoided and annulled by the purchaser of an

an estate or Mehal sold for arrears of Revenue, subject always to such condition of renewal as attached to the tenure at the time of the settlement with Government—excepting always bona fide leases of ground for erection of dwelling houses or buildings; or for gardens, tanks, canals, water-courses, and the like—which leases shall continue in force so long as the land be so appropriated and the stipulated rent paid.

31st. But to prevent any abuse of the foregoing provision, the Governor General in Council reserves the power of declaring any sale of lands, for arrears to be made, subject to the leases, assignments, or other incumbrances, with which a proprietor in possession, or his predecessors, may have burthened his assessed estate—notice of such condition being always given by the Collector at the time of putting up the lot to sale; provided that if by such restriction the sale of the estate shall not realize the amount of Revenue due, or shall endanger the future security of the public Revenue, the Governor General

RESTRICTED SALES MAY BE CANCELLED.

General in Council may cancel such restricted sale (it not having been confirmed) and order a new sale of the estate without restriction.—If, subsequently to confirmation of a restricted sale, occasion shall arise to bring the estate again to sale for arrears, the Governor General in Council may direct the sale to be made without restriction, beyond what may have attached to the Mehal at the original settlement—any excess of purchase-money arising from the unrestricted sale, in what manner disposable by the Governor General in Council.

HEREDITARY TENURES NOT AFFECTED BY SALES.

82d. Certain under-tenures, in exception to the rule contained in Section 30, are not to be affected or rendered void by a sale of an estate for arrears—such as village Zemindars, Putteedars, Mofussil Talookdars, and others, having an hereditary transferable property in the land; nor a Khod-kosht Ryot, or Resident, and hereditary cultivator having a prescriptive right of occupancy to be ejected—nor a higher rate of rent to be demandable from under-tenants than was receivable by the former Malgoozar, unless the lands be held under engagements

RATE OF RENT DEMANDABLE.

engagements stipulating a lower rate of rent than justly demandable, in consequence of abatements made by special favor, or for a consideration by former Malgoozars; or unless, by the local usage, such under-tenants are liable to be called upon for a new adjustment of their rents.

NOTICE BY PURCHASERS DESIROUS OF ENHANCING THE RENTS OF TENANTS.

33d. Purchasers at public sales desirous of enhancing the rents of under-tenants, shall, in the absence of specific engagements, serve a notice as prescribed in Section 9, Regulation V. 1812, but nothing in that section to affect the right of individuals possessing a transferable or hereditary right of occupancy, to contest the justness of the demand; and to pay his rent as heretofore until the contrary shall be decided by a Court of Justice; nor in any respect to annul or diminish the title of the Ryots to hold their lands subject to the payment of fixed rents, or rents determinable by fixed rates, according to the law and usage of the country.

34th. If the lot sold be only a portion of a Mehal, a statement of

Sale of Lands for the Recovery of Arrears of Public Revenue.

ALLOTMENT OF JUMMA MAY BE ALTERED BY THE GOVERNOR GENERAL IN COUNCIL WITHIN TEN YEARS.

of the grounds of assessment to be exhibited at the time of sale, and other information to be given; but this is no guarantee to the purchasers either of the defaulter's title or of the Jumma, if subsequently found disproportionate, which, on a representation of the purchaser or his heirs, the Governor General in Council may cause to be altered at any time within ten years from the date of sale, and order a new allotment of Jumma on the lands sold—or if the Jumma allotted be too low, and the purchaser refuse to allow a new allotment, the sale may be cancelled by Government within 10 years.—In such case, the purchase-money to be repaid without interest, and if the late proprietor shall not make good the amount when called upon to do so, the lands shall become the property of Government.—If the Jumma assessed on any lot shall be reduced, Government may determine what compensation shall be paid by the purchaser, who may be benefitted thereby, to the party whose Jumma shall be enhanced; or in case of refusal, may cause the lot or lots to be resold, and

and after paying the purchaser the amount of his purchase-money, without interest, to distribute the remaining proceeds amongst those whose Jumma may have been enhanced.

ABATEMENT OF JUMMA.

35th. No abatement of a Jumma once fixed to be made without authority of the Governor General in Council; and the Revenue Authorities exclusively competent to take cognizance of any questions affecting the amount of the Jumma assessed on lands paying revenue to Government, which alone shall be fixed, altered, or modified, by those Authorities, under the orders of Government.

36th. In case of a purchase of an estate on account of Government, the rules for Khas management to be applicable.

CONTEMPT IN OPEN CUTCHERRY.

37th. C. 1st. The Revenue Authorities vested with the power of punishing for contempt in open Cutcherry, by a fine not exceeding Rs. 100, commutable to imprisonment in the Civil Jail not exceeding fifteen days.

C. 2d. Orders of Revenue Officers in such cases to be final, saving the power of control vested in the Board, and reserved by Government.

Zillah

SECTIONS

REGULATION XI.

Zillah Judges to enforce the penalty ordered in the same manner as is adjudged by a Court.

38th. Government not to be held liable for errors of the Courts of Justice, whether Revenue Officers be or be not employed in the execution of the orders of the Courts; nor any Officer of Government liable to be sued for any thing done or suffered in conformity with an order or decree of Court—any persons who shall so sue Government or its Officers, to be nonsuited with costs—further application of the foregoing principle to Officers vested with judicial powers.

39th. This Regulation not to affect the powers and authority conferred by Regulation I. 1821, on the Mofussil Commissioners, in regard to the annulment of sales.

All

1823 | SECTIONS | REGULATION VII.

Loans of Money to Covenanted Civil Servants prohibited.

Section 2d. C. 1st. All Covenanted Civil Servants, in every department, prohibited from borrowing money from the Native Officers under their authority, or the connexions of such officers.

C. 2d. Also from any persons officially accountable to them.

C. 3d. Section 4, Regulation XXI. 1814, rescinded; and the provisions of Sections 2 and 3, of that Regulation, extended to Civil Officers employed in the Commercial Department, as well as to all other Officers being Covenanted Civil Servants.

3d. Judges of the Zillah and City Courts, Magistrates, Joint Magistrates, Registers and Assistants to Magistrates, Collectors and Deputy Collectors of Land Revenue, Assistants to such Collectors, and other Officers, exercising the powers of Collectors, prohibited, under penalty of dismissal from office, from incurring debt to Zemindars or others, residing or having property within their districts.

4th. All persons prohibited lending money to Civil Servants contrary to the

Loans of Money to Covenanted Civil Servants prohibited.

the above rules, under penalty of forfeiting to Government a sum equal to the amount so lent.

5th. Officers of Government who may be in debt, contrary to the above rules, to report the fact to Government, at the expiration of one year from the 30th of October 1823, or in failure thereof, the same penalty to be attached as in Section 3d.

6th. Officers receiving new appointments, if indebted to individuals contrary to the above rules, to report the circumstance to the Governor General in Council, or in failure, subject to the same penalty.

7th. Any Native knowingly taking office in opposition to the provisions of Regulation XXI. 1814, and in contravention to the above rules, shall forfeit to Government a sum equal to ten times the yearly salary or allowance attached to the situation.

8th. Penalties to be enforced by a prosecution in the Provincial Court of the Division, at the suit of Government, conducted by the Superintendent of Legal Affairs, or other Officer nominated under the

the special orders of the Governor General in Council—an appeal to be from the decision of the Provincial Courts, as in all other cases of original suits.

When

1824 | SECTIONS | REGULATION I.

For the Purchase of Land or Real Property required for Public Purposes.

Section 2d.

When ground, or other immovable property, shall be wanted for any public purpose, and there shall be any hindrance to the purchase of the property by private bargain, a flag to be erected thereon, and the boundaries of the land required to be marked out—a notice also to be affixed up, and proclamation made, requiring any persons claiming a right or interest in the property, to appear in person, or by an agent, to make known the nature of the interest claimed, and the terms on which they may be willing to dispose of their rights and interests, or to specify any objections for the information of Government; when a report is to be submitted to Government by the proper officer, with his sentiments on the case, and the estimated value of the premises or property required for the public service.

3d. C. 1st.

If the party shall refuse or object to dispose of the property, or demand an exorbitant price for it, the Governor General in Council will, if it shall appear proper, direct arbitrators to be elected to assess, the value of the property, including the rights of all persons

Sections	Regulation I.
	persons holding an interest therein, according to the following rules:
C. 2d.	When any extensive public work may be commenced on, the power of determining on all objections of the above nature may be deligated, by the Governor General in Council, to a Board or Committee.
4th. C. 1st.	The following rules to be observed in the appointment of arbitrators, and in conducting their enquiries.
C. 2d.	Two arbitrators, on the part of Government, to be selected by the Judge, or Magistrate, or Collector of the district in which the land or property, required for the public use, may be situated—and the parties to be required to elect two arbitrators to act on their behalf—Rules to be observed in the selection of arbitrators, under different circumstances, herein specified.
C. 3d.	Solemn declaration to be made by arbitrators.
C. 4th.	An umpire to be appointed for the decision of any points of difference in opinion.

If

Sections	Regulation I.
C. 5th.	If the voices of the arbitrators shall be equal on any points of difference, the decision of the umpire to be conclusive—in all other cases, the majority of voices to conclude.
C. 6th.	The officer commissioned to appoint the arbitrators and umpire, shall exercise the powers and authority necessary for securing their attendance, and a due completion of the award.
C 7th.	The arbitrators shall act under the general superintendance of the Judge, or Magistrate, or Collector, or other Officer commissioned by Government,
C. 8th.	Who shall afford to the arbitrators all necessary aid; and on application, shall summon any witnesses, and cause an oath to be administered; or empower the arbitrators to do so—and persons giving a false deposition, or procuring such to be given, to be held guilty of perjury, or subornation of perjury.
5th.	Information to be furnished to the arbitrators by the Officer superintending

superintending the execution of the work—and in the event of any dispute which may require a measurement of land, the arbitrators may cause the same to be performed in their presence or otherwise.

6th. C. 1st. Compensation for Lackherage lands to be determined by arbitrators.

C. 2d. Rule for the guidance of the arbitrators in cases of dispute between the parties holding different interests in the land.

C. 3d. If the land be subject to the payment of Revenue, the adjustment of compensation in what manner to be made.

C. 4th. Rights of parties claiming an interest in land taken by Government, in what manner to be adjusted.

C. 5th. When the question of possession shall be doubtful, the arbitrators to certify the circumstance to the officer under whose direction they may act, and suspend payment of compensation until one of the

For the Purchase of Land or other Real Property required for Public Purposes.

the claimants shall obtain an order of the Court for payment—but possession by Government of the property transferred to it under this Regulation, not to be disturbed or defeated by reason of any matter touching the right or title of the former occupant; provided that in cases where the ostensible proprietor may consent to transfer the property to Government, proclamation may be ordered by Government to be made in the manner prescribed in Section 2d, requiring any claimants to prefer their claims before a certain date —after which date any suits or claims to recover the same which may be preferred in the Courts of Justice, to be dismissed with costs—but nothing herein contained to affect the liability of the party who may have received the value of the property transferred to Government, without having a good title to the same.

7th. C. 1st. Award how to be given by the arbitrators, and their proceedings disposed of.

The

Sections	Regulation I.
C. 2d.	The Officer receiving the award, to transmit the same, with a report, to the Governor General in Council for orders.
C. 3d.	No award shall be altered or reversed unless open to impeachment on the ground of corruption or gross partiality, or shall exceed the powers of the arbitrators; and such ground of impeachment shall be established in a Court of Justice.
C. 4th.	The surrender of property required for public purposes, to be enforced, after an award, if necessary, by the Magistrate.
C. 5th.	Expenses to be paid by Government in cases referred to arbitration, under the above Rules.
8th.	The above Rules are not applicable to the removal of obstructions to the navigation of rivers—which may be summarily removed by the Magistrate, or other authorized Officers, under the laws applicable to the removal of nuisances.
9th. C. 1st.	The above provisions are not to be applicable to lands required for

for the use of the Salt Department, except in so far as they may be specially declared to extend to them, in this or any other Regulation.

C. 2d. The following Rules passed for the guidance of all Public Functionaries, in determining any question of right that may arise between the Zemindars and Officers of the Salt Department in the Salt Agencies of the 24 Pergunnahs, Jessore, Bullooah, and Chittagong.

C. 3d. Kalary remissions granted on the first establishment of the monopoly—upon what principle allowed.

C. 4th. Abatements granted on the principle stated to be continued in perpetuity.

C. 5th. No claims to Kalary rents or applications for remission or abatements of Revenue, on account of salt or fuel lands, to be received by Collectors or the Board, except the specified remissions allowed on account of rents collected previously to 1188, (B. S.) or such others as may be hereafter ordered by Government.

Any

SECTIONS

REGULATION I.

C. 6th. Any claims for rents of Kalaries now or hereafter worked, to be preferred to the Salt Agent, and to be adjusted on the principles hereafter declared.

C. 7th. Collections of Kalaree Rents from Molungees to be discontinued, unless especially authorized by Government.

C. 8th. The levy from the Molungees of the tax on the privilege of cutting fuel, to be also discontinued by the Officers of Government.

C. 9th. Particulars to be specified in contracts for the manufacture of Salt.

C. 10th. Agents to ascertain and record in whom the property in Salt Lands, within their respective divisions, is vested.

C. 11th. Salt Lands worked by the Salt Department from the time of the assumption of the monopoly to the present day, or otherwise assumed and held, before and since the perpetual settlement, to be held by

For the Purchase of Lands required for Public Purposes.

RULES RELATIVE TO LANDS OCCUPIED FOR THE USE OF THE SALT DEPARTMENT.

by the Officers of the Salt Department free of rent, under a perpetual title of occupancy—and when relinquished by that Department, shall be liable to assessment by the Revenue Authorities.

C. 12th. What Salt Lands to be deemed the absolute property of Government.

C. 13th. What lands to be considered as belonging to individual proprietors, and rents to be paid in money and charged in the Salt Agents' accounts, with other expenses of the manufacture, but payment of rent to cease when the land shall be given up by the Salt Department—Revenue Officer may assess lands under the Rules contained in Regulation II. 1819, for which rent is paid by the Salt Department.

10th. C. 1st. Salt Lands may be occupied as heretofore by the Officers in the Salt Department, on payment of an adequate compensation to the proprietors; possession how to be taken, and notification published.

C. 2d. Claims to lands so occupied, in what manner to be prosecuted and adjusted.

What

SECTIONS	REGULATION I.
C. 3d.	What course to be adopted if the land claimed by a Zemindar shall appear to the Collector to belong to Government.
C. 4th.	The same mode of adjustment to be observed in regard to all depending claims for compensation for the use of salt lands.
11th.	Forms to be observed by a Salt Agent in relinquishing any Salt Lands, and rents when to cease.
12th.	No cultivation to be allowed within the limits of any lands transferred to the Salt Department, without permission of the Board of Customs, Salt and Opium—and any crops found therein may be attached and confiscated by the Salt Agent or his Officers—and any trespass on such lands, punishable by the Magistrate, and also liable to an action for damages.
13th.	Churs and Salt Lands not belonging to individuals, to be held by Salt Agents, under regular Pottahs from the Collector, defining their limits, and to be made over to the Collector when no longer fit for the

the use of the Salt Department.—Provision for the settlement to be made by the Collector in case such lands should be cultivated—or the Revenue Authorities may sell the Government interests in such lands, or let them in farm.

14th. C. 1st. The following rules established for settling the relative rights of Government and the Zemindars respecting fuel lands.

C. 2d. Where no specific engagements exist, the Salt Department shall be held entitled to the free use of fuel, to the extent of the existing manufacture, from waste lands within estates of which the owners receive remissions.

C. 3d. The above provision not to affect the rights of Government in land specifically reserved for the supply of fuel, nor to authorize the Salt Officers to prevent the cultivation of waste or jungle land not reserved under specific engagements, and if further fuel lands be required,

For the Purchase of Lands required for Public Purposes.

FUEL LANDS REQUIRED FOR THE USE OF THE SALT DEPARTMENT.

required, an arrangement to be made with the proprietor, or measures, hereafter prescribed, taken for the transfer of them to Government.

C. 4th. If any Zemindar shall refuse to allow the Salt Officers any fuel required, under the above clause, it shall be taken, and a just compensation for the same settled under the rules prescribed in Sections 3d to 7th of this Regulation; and the same course to be followed when the interests of the Salt Department shall require that any fuel lands be reserved; and the owner shall refuse to surrender them.

15th. Declaration as to the extent of privilege in regard to right to fuel secured to the Salt Department by remissions granted on account of Collections made previously to the year 1188, B. S. in cases wherein further rents or remissions may have been granted—and privilege reserved by Government in regard to the continuance of

of rent or remission on account of Kalaries in excess of the standard of that year, but subsequently discontinued; and to cause a new adjustment of rent to be made.

Regulation

1824 | SECTIONS | REGULATION VIII.

Tolls to be levied on Boats, &c. passing through certain Nullahs.

Section 2d. C. 1st. Regulation IV. 1813, Rescinded.

C. 2d. Tolls at specified rates to be levied by an Officer of Government, under the control of the Board of Revenue, on all Boats, Timbers, Rafts, Floats, &c. passing through the Bhagruttee, Jellinghee, Issamuttee, Matabanga, and Choornee Rivers.

3d. Collectors of Tolls to be assisted by establishments of Native Officers, and to exercise powers similar to the Collectors of Land Revenue in the appointment, removal, and punishment of their subordinate Officers.

4th. Tolls to be levied on all Boats entering or returning by the rivers specified, and whether laden with imported or exported goods.

5th. Rule to be observed in determining the Tonnage of Boats, &c. in which the authorized tolls are to be levied.

1st. Boats not exceeding 50 Maunds to be rated at 25 Maunds burthen, and pay toll accordingly.

2dly. Boats above 50 Maunds and not exceeding 75 Maunds, to be rated at 50 Maunds, and pay the prescribed toll.

3dly.

Sections	Regulation VIII.
	3dly. Boats above 75 Maunds and not exceeding 100 Maunds, to pay toll for 75 Maunds, and so on progressively—until the tonnage shall exceed 500 Maunds, when the allowance shall extend to 50 Maunds—and in boats above 1000 Maunds, the toll on 100 Maunds to be relinquished.
6th. C. 1st.	No fleet of boats or rafts to float at one time more than 20 Timbers through any of the rivers specifically named.
C. 2d.	Nor more than 12 Timbers by a single boat or raft, nor more than 6 Timbers between the 1st December and 1st of July.
C. 3d.	Penalty for infringing any of the above rules—Collector empowered, in certain cases, to detain boats, rafts, &c. until the toll or penalty demandable thereon shall have been liquidated.
C. 4th.	Collector in such cases to report to the Board of Revenue, and notify the sale of the articles by proclamation, after an interval of 15 days.—No sale to take place until authorized by the Board of Revenue.
7th.	Penalty for attempting to pass boats, &c. free of toll, having been boarded by the Collector's toll boat.

Rules

Regulation VIII.

Sections	
8th. C. 1st.	Rules for defining the duties and powers to be exercised by the Supervisor of Rivers—but the Governor General in Council competent to vest the Collectors or other Officer with similar powers.
C. 2d.	Supervisor to act under orders from the Board of Revenue for the Lower Provinces, unless otherwise directed by Government.
C. 3d.	And empowered to cut down and remove Trees, sunken Boats, Rafts of Timber, and other obstructions, to the navigation of the Rivers.
C. 4th.	How such Trees, &c. are to be disposed of.
C. 5th.	Cases in which before the removal of Trees, &c. the Supervisor is to serve the proprietor with a notice, or to require the removal by a notification.
C. 6th.	Owners neglecting to remove Trees, &c. after due notice given, the same to be removed and disposed of by the Supervisor.
C. 7th.	Supervisor may remove Trees, &c. in cases of emergency without giving previous notice—proviso as to the mode of proceeding in such case.

Provision

Sections	Regulation VIII.
C. 8th.	Provision under which Buildings, Trees, &c. contiguous to Rivers, may be purchased on account of Government.
9th. C. 1st.	The proceeds of Boats, Trees, &c. sold under Clause 4th, Section 8, to be paid to the owner.
C. 2d.	Or the owner may receive such Boats, Trees, &c. on paying salvage to the Supervisor within such period as the Board of Revenue may fix—But the Supervisor may sell the property in case reimbursement be not made.
10th.	All Blandells, or contrivances for fishing, tending to obstruct the free navigation of rivers, prohibited.—The Supervisor how to proceed on the removal of, or prohibiting the fixing of blandells, &c.—Punishment in case of opposition to the Supervisor's orders—and in cases where offenders have committed violence, or have been guilty of breaking the peace.
11th. C. 1st.	Punishment to which persons are declared liable for opposing, or resisting

resisting the Collector or Supervisor, or preventing them, or any of their Officers from fulfilling the duties assigned to them.

C. 2d. Collector or Supervisor how to proceed in cases where forcible resistance is apprehended—punishment to which proprietors and farmers of land are liable for connivance at resistance to the Collector or Supervisor, or his Officers.

12th. Collector or Supervisor, &c. empowered to seize and deliver over to the Police Officers, all offenders described in the two preceding Sections—Supervisor to give a written statement descriptive of the offence and the offender, and to engage to furnish the Magistrate with a full report in the case—the accused to be admitted to bail if the offence charged be of a suitable nature.

13th. Magistrates not to detain persons in custody beyond ten days, if the Supervisor has not previously followed up his complaint in the prescribed manner.

14th. Persons conceiving themselves aggrieved by any order of the Board,

SECTIONS

REGULATION VIII.

Board, or by any act of the Supervisor, and allowed the option of instituting a suit in the Dewanny Adaulut against one or all of the authorities—and the Judge how to proceed in such cases, but no suit or plea to be entertained by the Courts if the Supervisor, &c. shall not have exceeded his authority—further proviso in cases where valuable trees are cut down without cause—the plaintiff to be nonsuited with costs, if it be proved that the Collector or Supervisor has tendered adequate indemnification.

15th. The Supervisor authorized to employ the Vakeel of Government in the conduct of all criminal prosecutions and civil actions instituted under the provisions of this Regulation—Stampt-paper, in such cases, to be supplied by Collectors on the Supervisor's application.

SCHEDULE No. 1 AND 2.

Clause

1824 | SECTIONS

Penalty for Arrears of Revenue.

Section 2d.

REGULATION XII.

Clause 1, Section 28, regulation V. 1812, rescinded, and the penalties prescribed by the provisions which were annulled by the said clause, and which are now re-enacted, shall, when imposed by the Board of Revenue, be realized in the same manner as an arrear of Revenue.

Such

1824 | SECTIONS | REGULATION XIV.

Modifying the Rules in force for referring Summary Suits to Collectors.

Section 2d. C. 1st. Such parts of Regulations VII. 1799—V. 1800—XXVIII. 1803—V. 1812—VII. 1813—and XIX. 1817, or other Regulations in force, as direct or authorize the Zillah and City Courts to refer to the Collectors of Land Revenue for adjustment and report, summary suits relative to arrears and exactions of rent or other summary suits, within the provisions of the Regulations noticed, are hereby modified as follows:

C. 2d. A Judge referring to a Collector a summary suit, under Section 13, Regulation XIX. 1817, to issue a precept requiring him to try and decide the suit, and report his decision within a limited period, or to assign a sufficient reason, specifying the further period required.

C. 3d. In the event of any considerable delay in the decision of such suits, the Judge may recal the same, and try them himself or refer to the Register.

3d. Collectors competent summarily to determine suits referred to them under the foregoing Sections.

4th. In the trial and decision of such suits, the Collector to be guided by

Modifying the Rules in force for referring Summary Suits to Collectors.

by the rules in this Regulation so far as may be applicable, or by the rules prescribed for the guidance of the Civil Court in the trial and decision of similar suits—The Collectors also invested with the same powers as the Civil Court in issuing all processes necessary in such suits, except the execution of decrees.

5th. All decrees passed by a Collector, under this Regulation, to be notified as soon as possible to the Judge of the Court from whence referred, and the whole of the proceedings in the case, at the same time, transmitted with a final return to the precept of reference; and if any specific sum or damages shall be adjudged due, the Collector's award to be executed by the Judge on receiving the Collector's return; and generally, any order contained in the decree of the Collector to be carried into effect by the ordinary process of the Civil Court.

6th. Parties in suits, referred to a Collector, may employ any Vakeel or agent they may think proper, to act and plead in their behalf—the rate

Modifying the Rules in force for referring Summary Suits to Collectors.

rate of remuneration to be adjusted between the Vakeel and his constituent, but no greater sum to be awarded on this account as costs payable by a party against whom judgment may be passed, than what may be deemed by the Collector a fair equivalent.

7th. No other pleadings to be required in such suits than a plaint and answer—but a supplemental or amended plaint and answer may be received.

8th. Pleadings and Mokhtarnamehs, or Vakalutnamehs, to be on stampt-paper of the value of eight annas—and no fees to be taken on exhibits tendered in the cause, or on summoning witnesses.

9th. The Collector competent to determine such suits in any part of the district, provided the proceedings be held in public, and in presence of the parties or their agents, if in attendance.

10th. Persons dissatisfied with the summary decision, may prefer a regular

regular suit in the local Zillah or City Court; and in the institution of such suit, the summary proceedings to be filed on the record of the regular suit.

FINIS.

From the Government Gazette Press, by G. H. Huttmann.